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**A Mahāyānist Criticism of *Arthaśāstra*:**  
**The Chapter on Royal Ethics in the**  
***Bodhisattva-gocaropāya-viśaya-vikurvaṇa-nirdeśa-sūtra*\***

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The \**Bodhisattva-gocaropāya-viśaya-vikurvaṇa-nirdeśa-sūtra*<sup>1</sup> (*BGUVVNS*) is available in a Tibetan and two Chinese translations.<sup>2</sup> Its title could be translated as “Sūtra which Expounds Supernatural Manifestations [that are Part of] the Realm of Stratagems in the Bodhisattva’s Field of Action”. The second Chinese translation, however, carries the name of the main expounder of the sūtra, Sazhe’niganzi 薩遮尼乾子, as the title: *Da sazhe’niganzi suo shuo jing* 大薩遮尼乾子所說經: “Great Sūtra Expounded by Satyaka Nirgranthaputra”.<sup>3</sup> What attracted my interest in this sūtra is the sixth chapter in the Tibetan translation, corresponding to the first part of the fifth chapter in the Bodhiruci translation (*Ch*<sub>2</sub>), entitled

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<sup>1</sup> The titles in the Tibetan read as follows: ‘*Phags pa byang chub sems dpa’i spyod yul gyi thabs kyi yul la rnam par ‘phrul ba bstan pa shes bya ba theg pa chen po’i mdo*; the transliterated Skt.: *Ārya-bodhisattva-gocaropāya-viśaya-vikurvaṇa-nirdeśa-nāma-mahā-yāna-sūtra*. The title probably derives from part (3) of the sūtra (see my summary for parts (1) through (10) below). For the Chinese titles see below. With the chapters on *ekayāna* and the *tathāgatagarbha* doctrine in the *BGUVVNS* deals J. Takasaki 高崎直道, *Nyoraizō shisō no keisei (Formation of the Tathāgatagarbha Theory)* 如来藏思想の形成, Tokyo: Shunjū-Sha, 1974, pp. 254-273.

<sup>2</sup> Cp. the list of abbreviations at the end of this article for detailed references.

<sup>3</sup> In the Tibetan the expounder’s name is given as gCer bu pa’i bu bden smra(s), an interpreting rendering of the same Skt. Satyaka Nirgranthaputra (also *Ch*<sub>1</sub>: Sazhe’niganzi 薩遮尼乾子 for Satyaka Nirgranthaputra). The term *nirgrantha* usually designates non-Buddhist ascetics, in particular Jaina monks; the second member *-putra* serves to show that the expounder is a member of that group (cp. Ludwig Alsdorf, *Kleine Schriften*, ed. Albrecht Wezler, Wiesbaden: Steiner, 1974, pp. 375 n. 9 and 587ff.). The preacher (Pāli: Saccaka Niganthaputta) appears in several Pāli sūtras and Mahāyāna texts. Most notably, we find him as the Buddha’s interlocutor in two sūtras at *MN* I.227-237 (*Cūlasaccakasutta*) and *MN* I.237-251 (*Mahāsaccakasutta*). For references cp. Chizen Akanuma 赤沼智善, *Indo bukk’yō koyū meishi jiten* (\**Dictionary of Indian Buddhist Proper Names*) 印度佛教固有名詞辞典, Tokyo: Hōzōkan, <sup>5</sup>1994, pp. 553f. For sake of brevity, in what follows I shall refer to Satyaka Nirgranthaputra simply as “Satyaka”.

*rGyal po'i tshul* (\**Rājanīti*) and *Wanglun* 王論 respectively.<sup>4</sup> It deals with the rights and obligations of a righteous king (*dharmarāja(n)*) concerning mainly his relation to his subjects and material wealth, the tax system, measures of punishment, the classification of crimes, warfare, his rules of conduct, and the question of the scriptural grounding of his ruling. All these issues can be subsumed under what has traditionally been called *rājadharma*, the moral, ritual and political codes of a king.<sup>5</sup> Other more or less synonymously used terms for this concept are *rājasāstra*, *rājanīti*, *daṇḍanīti* or *arthaśāstra*.<sup>6</sup> Of particular interest is the denomination *daṇḍanīti*. The term *daṇḍa* originally means “stick, staff”, and derived from it, also “punishment”.<sup>7</sup> It is thus clear that punishment was understood as a dominating factor among the duties of a king. We will come back to this later on.

The chapter on *rājanīti* in the *BGUVVNS* is missing in the oldest translation from the fifth century by Guṇabhadra suggesting that it was only later added to the sūtra.<sup>8</sup> There are two

<sup>4</sup> The following descriptions are, if there are no additional remarks, based on the Tibetan. The relation between the three translations seems complicated but this is not the place to discuss their relations and the textual history of the sūtra in detail. Generally speaking, Guṇabhadra's translation (*Ch<sub>1</sub>*) from the fifth century is shorter than the other Chinese translation. This is due not only that some passages can be found only in Bodhiruci's translation but also because Guṇabhadra has a more concise style. For the most part, the Tibetan runs parallel to the first Chinese translation by Guṇabhadra. *Ch<sub>2</sub>*, on the other hand, seems to have incorporated commentarial (and in some instances apparently less authentic) elements, and even shows, in certain passages, different interpretations which were probably not part of the Indian text (cp. n. 30). In many cases, however, the meaning of the sometimes unclear Tibetan translation becomes thereby elucidated, its basic structure more easy to grasp. This relation between *Tib* and *Ch<sub>2</sub>* also holds true for our chapter on *rājanīti*.

<sup>5</sup> Cp. Kane III.1ff.

<sup>6</sup> Cp. Kane I.149ff.; III.4ff.

<sup>7</sup> Cp. Manfred Mayrhofer, *Etymologisches Wörterbuch des Altindiarischen*, I. Band, Lieferung 9, Heidelberg: Carl Winter Universitätsverlag, 1991.

<sup>8</sup> By no means, however, can we be sure that passages missing in (an) older translation(s) should more or less automatically be treated as interpolations. The absence of a text part in a translation may have different reasons. The text part could be deliberately omitted by the translator for some motive (cp. Yuyama arguing that Kumārajīva knew about the existence of the last part of the fifth chapter in the *Saddharmapūṇḍarikāsūtra* but omitted it because of grammatical, prosodical and stylistic reasons: Akira Yuyama, “Why Kumārajīva Omitted the Latter Half of Chapter V in Translating the Lotus Sutra, in *Festschrift Dieter Schlingloff*, ed. Friedrich Wilhelm, Reinbek: Dr. Inge Wezler, Verlag für Orientalistische Fachpublikationen, 1996, 325-330); the text on which the older translation is based could be a different recension lacking the text part in question, but must not necessarily be the older recension (the analysis of the *Tathāgatagarbhasūtra* yields such a result in regard to its two recensions, which both existed already in the fifth century; cp. the author's forthcoming Ph.D. thesis); even if we come to the conclusion that a part of the text was interpolated into the scripture at a later stage, it can well be possible that the this is of old origin and had been circulating separately

observations, which could further strengthen the assumption that the chapter in question was only inserted later and does not fit homogeneously into the text. The first regards its content: The chapter is mainly dealing with **pragmatic** questions regarding the political ethics of a king which by their nature are different from the more theoretical topics expounded before and after it, viz., the ten paths of wholesome actions (*kuśala-karma-patha*), the merit resulting from food offerings to ascetics, and the immoral behaviour of kings and brahmins. The second point, a formal one, is the absence of verse portions within this chapter. In most of the other sections, the text is divided into small prose fragments followed by verses which repeat their content. Nevertheless, as an overall impression, the chapter shares the dialogue form of the whole sūtra, and seems to fit well into its narrative frame. We thus have to consider at least two alternatives: The chapter on *rājanīti* could be a later interpolation into the text, which would not necessarily mean that its content was composed after Guṇabhadra's translation of the sūtra. The portion could well contain a very old nucleus that was just slightly adapted in order to fit into the framework of the sūtra. Considering the fact that towards the end of the *BGUVVNS* it is predicted by the Buddha that one hundred years after his *parinirvāṇa*, under the rule of King Aśoka, the sūtra would re-appear after having been enclosed in the caskets containing the Buddha's relics, an eventual redactor could have felt encouraged to add these rules of political ethics in order to suggest, though not expressing it directly, that the glory of King Aśoka had also been due to following the royal ethics as taught in the *BGUVVNS*.

For the second alternative, i.e., the deliberate omission of the chapter by the team in charge of the translation led by Guṇabhadra, we are in need of a sound reason, which could provide us with a motive for such an omission. A possible motive could be seen in Guṇabhadra's conviction that a monk should not occupy himself with military affairs.<sup>9</sup> As we shall see, the

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before. In order to decide the question if a textual element was later interpolated or not we have no other choice than to look for possible reasons which could have led a redactor or translator to decide for its inclusion or exclusion. Internal textual discrepancies with regard to the part concerned should, of course, be another important criterion.

<sup>9</sup> This statement is attributed to Guṇabhadra in the *Gaoseng zhuan* 高僧傳, a Chinese historical-biographical work compiled about sixty years after the death of Guṇabhadra: "Un religieux ne devrait pas s'occuper des affaires militaires." (Translation in Robert Shih, *Biographies des Moines Éminents* (Kao Seng Tchouan) de Houei-Kiao), *Première partie: Biographies des premiers traducteurs*, Bibliothèque du Muséon 54, Louvain – Leuven: Institut Orientaliste, 1968, p. 153). According to the *Gaoseng zhuan* he made this remark in a conversation with emperor Wang Xuanmo 王玄謨 after his army had defeated the prince whose favour Guṇabhadra had enjoyed for ten years. That Guṇabhadra himself obviously followed this rule is, again according to the *Gaoseng zhuan*

question of warfare is also part of the sixth chapter. It is thus possible to imagine that Guṇabhadra considered this question as well as some other issues involved in the chapter as not appropriate to be discussed in a Buddhist text or judged it as too delicate for himself and the Buddhist clergy in general and therefore omitted the whole chapter. At this stage, a definite decision for one of the two alternatives is not possible. For the sūtra itself, however, the inclusion of the sixth chapter means a considerable increase of passages with Satyaka as the main character.<sup>10</sup>

I shall now give a brief sketch of the contents of the *BGUVVNS* in order to clarify what is the doctrinal and narrative background of the chapter on political ethics:

- (1) **Nidāna:** The Bodhisattva Mañjuśrī requests the Buddha, who is staying in Ujjayani in the park of king Caṇḍapadyota, to teach the *BGUVVNS*. The Buddha agrees and starts to expound twelve kinds of moral behaviour, which benefit living beings and let them attain *anuttarasamyak-sambodhi*.
- (2) **The six perfections (*pāramitā*):** He expounds the perfections of *dāna*, *śīla*, *kṣānti*, *vīrya*, *dhyāna* and *prajñā* in twelve aspects respectively.
- (3) **The perfection of *upāya*:** The Tathāgata further explains twelve ways how a bodhisattva should apply *upāyas* thus realising the perfection of *upāya*; he also expounds twelve *upāyas*<sup>11</sup> of the tathāgatas. The application of these *upāyas* is the source for the qualities which finally lead to the complete purification of buddha-fields.<sup>12</sup>
- (4) ***Ekayāna* doctrine:** The Buddha states that there is only one vehicle, the *Mahāyāna*, but depending from the practitioner's situation he teaches three different vehicles, though the *dharmadhātu* is undifferentiated. Also the non-Buddhist teachers are said to be the *upāya* of the Buddha; no other could reach a comparable status to a buddha within a buddha realm. Final emancipation is only possible through the Great Vehicle.
- (5) **Meeting the king:** Satyaka, followed by thousands of other *nirgranthakas*, meets king Caṇḍapadyota<sup>13</sup>. Satyaka admonishes him to keep the ten paths of wholesome actions (*kuśala-karma-patha*) and illustrates the negative results in the next rebirths if they were not respected.

(ibid. p. 153), documented by the fact that among the letters which Guṇabhadra had sent to the prince nothing relating to military affairs could be found. His letters had been examined after the defeat. This further increased Wang Xuanmo's respect for the monk.

<sup>10</sup> The sixth chapter covers about one fifth of the whole text. All passages with Satyaka as the main character (including the sixth chapter) amount to more than three fifth of the sūtra.

<sup>11</sup> The *upāyas* contain the five *kaṣāyas* and other negative or differentiating elements. The sixth *upāya* is the manifestation of different vehicles (*theg pa tha dad pa* (S 19a4); *Ch<sub>2</sub>*: 示現三乘差別濁 (T 325a29f.); "manifesting the degradation (*kaṣāya*) of the differentiation in three vehicles"). The tenth is the manifestation of quarrels with/among non-Buddhists (*gzhan mu stegs can gyi 'khrug pa yod par ston pa* (S 19a4f.); *Ch<sub>1</sub>*: 現說法異 (T 304c20)).

<sup>12</sup> The exact relation between the *upāyas* and the qualities remain unclear in *Tib* and *Ch<sub>2</sub>*. My understanding follows *Ch<sub>1</sub>*: 如來方便出生十二功德成就精練佛土 ... (T 304c17f.).

<sup>13</sup> King Caṇḍapadyota (*Ch<sub>2</sub>*: 猛光王; in *Ch<sub>1</sub>* just "Caṇḍa": 嚴熾) of Ujjayani is a well-known figure in the *Mūlasarvāstivāda-vinaya*. Though it is said about him that he rules according to the *dharma*, the bald king, who suffers from insomnia, punishes terribly: he has all persons beheaded who mention in his presence the word "fat", which he dislikes. He is revengeful; full of wrath he even kills one of his wives. On one occasion he has 80.000 brahmins and all demons of his country

(6) **Chapter on *rājanīti***: see below (A.-L).

(7)-(10):<sup>14</sup> After partaking of the meal prepared for him and his followers, Satyaka expounds to the king the 15 qualities resulting from offering food etc. to ascetics and mentions the vices and shortcomings of several brahmins and kings.<sup>15</sup> Upon the king's question if there were anybody faultless among living beings, Satyaka answers that there is Gautama of the Śākya clan, who is faultless due to his derivation from the Śākya lineage.<sup>16</sup> In order to underline the faultlessness of the Buddha, Satyaka goes on to recount the Buddha's enormous amount of virtues, his 32 marks of a great man (*mahā-puruṣa-lakṣaṇa*), his 80 secondary characteristics (*anuvyañjana*), his 32 kinds of great compassion (*mahā-karuṇā*), etc.

The king then wants Satyaka to visit together with him the Buddha who resides in the same park.<sup>17</sup> In front of the Buddha, Satyaka teaches Śāriputra the relativity and ultimate insignificance of all phenomenal differentiation, referring to the non-duality of the *dharmadhātu*. After the Buddha has explained to Mahāmaudgalyāyana that Satyaka makes use of many different manifestations<sup>18</sup> to convert living beings and lead them to *samyaksambodhi*, Satyaka himself describes awakening as something beyond any characterisation, when asked by Mahākāśyapa why he had not yet attained it. The Buddha then predicts that Satyaka after many aeons would become a tathāgata and that the listeners present in that moment would be reborn in his realm.

Finally, the Buddha, speaking again to Mañjuśrī, points out the enormous amount of merit resulting from the propagation of the *BGUVVNS* and predicts that the sūtra will appear again after 100 years under the rule of a king called Aśoka. At that time people will not be able to gain faith into it and only after another 50 years, when they are finally following the Mahāyāna, the *BGUVVNS* will receive proper reverence.

At the very end the Buddha entrusts Ānanda with the transmission of the sūtra and provides him with several titles for it.

Let us now turn to the chapter on *rājanīti*. Before focusing on some crucial issues contained I will line out its main points of discussion. The chapter shows a strict dialogical structure: Throughout the chapter Caṇḍapadyota is listening to the explanations of Satyaka given in reply to the king's questions.

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executed. (cp. Jampa Losang Panglung, *Die Erzählstoffe des Mūlasarvāstivāda-Vinaya Analysiert auf Grund der Tibetischen Übersetzung*, *Studia Philologica Buddhica* 3, Tokyo: The Reiyukai Library, 1981, pp. 181-190).

<sup>14</sup> I summarize chapter (7) through (10) under a single paragraph as their topics contribute only little to elucidate the position of the chapter on *rājanīti*. Chapter (7) to (10) account for more than half of the sūtra.

<sup>15</sup> Among them are killing, adultery, drinking, gluttony, sluggardliness, a too compassionate attitude, slowness of acting, etc. The king listens patiently but can't control his temperament when Satyaka finally accuses him of being too passionate (*shin tu gtum*; *aticanḍa*), angry, and cruel. It is only after Satyaka apologises by stating that he should have chosen a better time to tell this truth to the king that Caṇḍapadyota spares his life.

<sup>16</sup> Nirgrantha asserts that the faultlessness of Gautama was already mentioned in "our" Veda.

<sup>17</sup> King Caṇḍapadyota orders under the threat of capital punishment all important representatives of his country with their attendants to join the meeting, which is described in terms of a huge public festival.

<sup>18</sup> Among them we find the practitioner of non-Buddhist teachings, of the *śrāvakayāna* and the *pratyekabuddhayāna*, and also *bhikṣus*, titans, and gods.

- A. Definition of the meaning of *prajā*, *sattvaloka* and *bhājanaloka*. (S 29a7-30a1; Q 58a2-58b1; T 329b10-329c12)
- B. Satyaka states that living beings are protected by the merit resulting from their own good deeds<sup>19</sup> or by the ruler. The denomination “ruler” (*dbang po*; \**indra*) is only applied if the king by his moral and *dharma* loyalty pleases living beings. There are four kinds of rulers: a *cakravartin*, a *mahārāja*, a “fortress ruler” (*kham kyī rgyal po*; *koṭṭarāja*) and a “province ruler” (*rgyal phran*; *maṇḍalin*).<sup>20</sup>

There follows a description of the realm of a *cakravartin*: Adopting the *dharma*, he is endowed with the seven jewels; in his realm there is equality, no harm (*gnod*), no weapons,<sup>21</sup> no enemy, no punishment; he himself lives according to the ten paths of wholesome actions and, what characterises him as a righteous king, he also encourages his subjects to do so. In regard to the question how to subjugate<sup>22</sup> and control foreign realms, the text states that the rulers of other countries contentedly follow the *cakravartin*. He grants them sovereignty (*rnām par rgyal ba*; *vijaya*) but admonishes them also to follow him, be loyal to the *dharma*, and to adopt the principle of equality in their rule.<sup>23</sup> (S 30a1-32a6; Q 58b1-60a6; T 329c12-332c12)

<sup>19</sup> Satyaka seems to refer to a state as described in the *Aggañña Suttanta* (DN III.27) and other texts, when a king is not required because living beings do not yet feel desire and as a result there is also no crime. Satyaka attributes this to the merit of their wholesome deeds. The second kind of protection, granted by the king, obviously must relate to a less ideal state.

<sup>20</sup> The Sanskrit equivalents are based on their occurrences in the *Saddharmapuṇḍarikasūtra* (cp. *Tibetan-Sanskrit Word Index to the Saddharmapuṇḍarikasūtra*, eds. Yasunori Ejima and others, Tokyo: The Reiyukai, 1998). The *Mahāvīyutpatti* (ed. Ryōzaburō Sakaki, 2 vols., Kyoto 1916. Reprint Tokyo: Kokusho Kankōkai, 1981), however, knows both Tibetan translations (3677: *kham kyī rgyal po* ‘am rgyal phran) for *koṭṭarāja* and has *māṇḍalikarāja* as another equivalent for *rgyal phran* (3674). *Ch*<sub>2</sub> in this passage simply reads: 一者轉輪王, 二者少分王, 三者次少分王, 四者邊地王。 (T 330a23f). T. Sako, in his article about the relation between *cakravartin* and minor rulers, cites the classification system of the *BGUVVNS* in n. 1 on page 1. Unfortunately he does not provide us with a reason why he considers *koṭṭarājan* as the equivalent for *rgyal phran* and not for *kham kyī rgyal po* (cp. Toshio Sako 佐古年穂, “‘Tenrinnō – Shōō’ ni Kanren shite” (\*Concerning the Relation ‘Cakravartin – Minor Ruler’) 「転輪王—小王」に関連して, in *Suguro Shinjō Hakase Koki Kinen Ronbunshū* (\*Felicitation Volume for Dr. Shinjō Suguro on his 70<sup>th</sup> Birthday) 勝呂信静博士古希記念論文集, ed. *Suguro Shinjō Hakase Koki Kinen Ronbunshū Kankō Kai*, Tokyo: Sankibō, 1996, 1-15 (866-852)).

<sup>21</sup> Right after the description of the function of the seven jewels, however, a sword-jewel among the seven secondary jewels (軟寶) of the *cakravartin* is mentioned (T 331c21-332a1). This section is only found in *Ch*<sub>2</sub>. The sword is said to fly through the air to a minor ruler in case he does not follow the orders of the *cakravartin*. When the minor ruler sees the sword he toes the line and thus the sword does not let occur the killing or the harming of any living being (... 而彼劍寶不起殺心害一衆生). The text adds that no king would use his weapons and everybody would follow voluntarily the *cakravartin* (?) (一切國土不加刀仗自然隨順).

<sup>22</sup> *Legs par phab ste* probably for *abhinirjitya* (cp. Johannes Nobel, *Udrāyaṇa, Die Tibetische Übersetzung des Sanskrittextes, Zweiter Teil: Wörterbuch*, Wiesbaden: Harrassowitz, 1955, s.v. ‘*bebs-pa*’); the Chinese has 安慰降伏: “to surrender peacefully”.

<sup>23</sup> The Chinese translation goes on and has the *cakravartin* threaten the rulers in the following way: 若不除滅, 我當與汝極大重罪。: “If [you] do not abolish [depraved doctrines], I will bring on you a heavy punishment!” The part concerning subjugation and control of the minor rulers has been translated in T. Sako’s article (op. cit. in n. 20) on p. 11 (S 32a1-5; Q 60a2-5; the Derge edition, on which his rendering is based, seems to have different readings though). In his note 26 he states that the part is missing in Bodhiruci’s translation. This is not correct. The passage is found in T 332b27-332c7. The first half of the passage of the *BGUVVNS* in the Tibetan appears nearly word by word in

- C. Only a *cakravartin* does not have to rely on *sāstras* (*Ch*<sub>2</sub>: 王論法) when ruling his empire, due to his knowledge resulting from the *dharma* and the immaculate moral behaviour of his subjects. All other kings are in need of *sāstras*, which were revealed by the great *ṛṣis* in order to protect living beings. Immediately in the following passage the *arthaśāstra*(s) is/are criticised as harmful counterfeits of the right *dharma*, in which to have confidence is set on the same level as to take delight in the ten paths of unwholesome actions. A righteous king, however, should base himself on *sāstras* which are not characterised by greed (*rāga*), anger (*dveṣa*) and misguidedness (*moha*), but which have conscientiousness (*apramāda*) and compassion (*karuṇā*) as their essence. (*S* 32a6-33a4; *Q* 60a6-61a2; *T* 332c12-333a22)
- D. The righteous king should protect living beings by following the two above mentioned essentials: Conscientiousness is defined as keeping in mind the transitoriness of his wealth and his own life. Compassion comprises the favouring of the poor and those suffering from crimes, wars or famines as well as the adequate punishment of the “dishonourables” (*mī srūṇ pa*; *anājāṇeya*). Punishment, however, should be based on the five principles of (1) rightfulness (*samyañc*), (2) efficacy of punitive power, (3) criminal intention of the accused, (4) renunciation of capital punishment, if it is evident that the case can be settled by merely “declaring the crime” (*skyon brjod*), and (5) if the case cannot be settled by merely “declaring the crime”, the infliction of hard punishments with a gentle (*mṛdu*) and compassionate mind free of anger (*dveṣa*), except capital punishment and mutilation. (*S* 33a5-34a7; *Q* 61a2-61b8; *T* 333a22-333b27)
- E. Simile about the compatibility of harsh punishment and compassion: Just like a loving father treats his son harshly to dispel his offences and to prevent him from further transgressions, in the same way should a righteous king deal with the punishment of his subjects. (*S* 34a7-35a1; *Q* 61b8-62a8; *T* 333b27-333c16)
- F. Five categories of “dishonourableness” and how they are to be punished: The underlying principle is to make the transgressors return to the right path. Capital punishment, etc. must in no case be inflicted. Rebellious leaders of subjugated countries should not be driven out from there. They should be urged to loyalty through “gratefulness (towards the righteous king) and fear”. By this way the king’s name would become renown. In cases of “dishonourableness” of the king he should correct himself as he would be afraid of rebirth in bad existences and the loss of his glory. If he did not know what is morally right and bad, he should ask ascetics and brahmins who would council him and who would name “with mild words” his transgressions. (*S* 35a1-37a1; *Q* 62a8-64a2; *T* 333c16-333b5)
- G. In order to protect the non-sentient world (*bhājānaloka*) a righteous king should never ravage what serves as very basis of human existence (food-supplies, houses, ponds, etc.).<sup>24</sup> By making offerings to the gods of his realm, he should protect them. Further, the categorisation in terms of dishonourableness of men who treat their parents, wife and employees badly, or who do not respect monks and brahmins, is discussed. Disrespect towards the latter group could annoy the gods and let them harm living beings through famines. (*S* 37a1-38a6; *Q* 64a2-65a3; *T* 333b5-336b24)
- H. A king should not inflict capital punishment or mutilation. The ordering of capital punishment would cause the revenge of the executed person.<sup>25</sup> In order to protect living beings rightly he

the *Abhidharmakośabhāṣya* (*AK*) (*Abhidharma-Kośabhāṣya* of *Vasubandhu*, ed. P. Pradhan. Patna: K.P. Jayaswal Research Institute, 1967, 185.24-186.2). The same passage in *Ch*<sub>2</sub>, on the other hand, is much longer with many details. Sako (p. 10) assumes that the *AK* passage is a quotation from a *sūtra*. Whatever the exact relation between the passage in the *AK* and the one found in the Tibetan version of the *BGUVVNS* may be, it demonstrates that *Ch*<sub>2</sub> is probably far less a literal rendering of the Indian text, if not based on a different Indian recension at all.

<sup>24</sup> As a further argument against this kind of destruction, it is said that the king could thereby destroy the abodes of gods and animals. The text states that they all, i.e., humans, gods and animals are innocent.

<sup>25</sup> Cp. below and especially n. 64 for details and different interpretations.

should rather choose punishments without irreparable effect as medicine to cure the transgressor instead of frightening his subjects. (S 38a6-38b5; Q 65a3-65b1; T 336b24-336c7)

- I. The properties in the king's realm should neither be called the possession of the king nor that of others.<sup>26</sup> The righteous king must collect taxes but should refrain from collecting them in those cases of poverty which are the result of conditions beyond the subject's control like natural disasters or robbery. His attitude would be that of an ascetic or brahmin invited by somebody to eat but finally remaining without food, because the prepared food got lost due to circumstances for which the host is not responsible. (S 38b5-39b7; Q 65b1-66b1; T 336c7-337a21)
- J. Description of ten aspects that characterise a king who is based on conscientiousness and compassion and has realised the ideal of a righteous king. These ten aspects include personal qualities of the king such as fearlessness towards suffering or promptness of thought and action as well as factors concerning his reign such as loyalty and respect of his subjects or the absence of enemies. (S 39b7-40b4; Q 66b1-67a3; T 337a25-337c1)
- K. A righteous king should confront a hostile army with three stratagems. He should first try to avoid fighting by means of benevolence and favour or by showing his army's superiority to the enemy. Secondly, if this remains without success, he should reflect on the protection that he has to provide as a righteous king and on his prospective victory over the opponent. He should intend to get hold of the hostile soldiers alive. Only then his army should be addressed. Finally, as the third stratagem, he should structure his army in an efficacious way and enter into the battle. Even though he killed and wounded, the negative consequences for his merit would not effect him, if he accomplished his deeds with compassion and without resignation. On the contrary, because of his readiness to protect his subjects with his life and wealth his merit would become measureless. (S 40b4-41b5; Q 67a3-68a1; T 337c1-338a17)
- L. Finally, Satyaka enumerates eight views (*saṃjñā*) which a righteous king should hold. They centre on an attitude of compassion and love towards his subjects, a rehabilitating treatment of wrong-doers, and generosity with regard to his possessions. Keeping to these eight views would guarantee prosperity and inner peace for the country and the king's next birth among gods. The chapter ends with six verses repeating in part elements of the moral code of a righteous king. (S 41b5-43a5; Q 68a1-69a5; T 338a17-338c25)

This summary of the *BGUVVNS* has already made it clear that the sūtra deals with several distinct topics. After a more or less general introduction, the sūtra turns quickly to the application of stratagems (*upāya*) by the tathāgatas through which they purify their buddha-fields. As a form of stratagem, the tathāgatas also create heterodox religious movements and the other two vehicles in order to adapt their teaching to the circumstances of the practitioners. Final emancipation, as a matter of fact, is only possible through the teachings of the Mahāyāna, with a buddha residing at the head of each world system. This doctrine of *ekayāna*<sup>27</sup> certainly constitutes an element of "tolerance"<sup>28</sup> towards non-Mahāyānist

<sup>26</sup> Because they are created by the king's subjects but are protected by the king.

<sup>27</sup> The *ekayāna* doctrine is one of the central issues in the *Saddharmapuṇḍarikasūtra*. Also the *Śrīmālādevīsīmhanādasūtra*, as one of the main proponents of the *tathāgatagarbha* theory, expounds the *ekayāna*.

<sup>28</sup> As far as I can see the system of *ekayāna* proposed here is a typical case of "Inklusivismus", in the sense the term was used by Paul Hacker. On the doctrinal level it would therefore be hard to speak of tolerance if we assume with Hacker that tolerance can only be found, "wo man sich der Fremdheit von gewissen Erscheinungen klar bewußt ist und sie dennoch im praktischen Umgang

teachings. It recognises these teachings as a necessary step in dealing with beings of different inclinations, though placing them clearly on a lower, preparatory level. Nevertheless, their existence does not provoke any hostility. This philosophical background could easily be employed in dealing with and “tolerating” a multireligious society.<sup>29</sup> The name of the main proponent of the sūtra, Satyaka Nirgranthaputra, is also characteristic. Usually the term *nirgrantha* designs non-Buddhist monks, in particular Jaina monks. Towards the end of the sūtra, however, Satyaka is – in accordance with the *ekayāna* doctrine – declared to be no more than a temporary manifestation on his way to become a fully awakened tathāgata.

After the explanations on the political ethics of a righteous king in the sixth chapter, the sūtra then deals with the virtues and the superiority of the Buddha. This part functions as a logical continuation of the *ekayāna* doctrine expounded in the first part. The sūtra here retreats into a less phenomenal, loftier sphere, free of any *upāya*-caused nuisances veiling the incontrovertible position of the Tathāgata.

Now, the position of the sixth chapter between these two main blocks (*upāya/ekayāna* and praise of the Buddha) is revealing. The affirmative attitude towards religious pluralism is part of the chapter itself: besides Buddhist monks, brahmins too serve as the moral counsellors of the king; nowhere is it stated that the *dharma* to be followed is particularly Buddhist, and there is no mentioning of buddhas or bodhisattvas throughout the whole section.<sup>30</sup> Religious heterogeneity is definitely the background against which these

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duldet oder geistig gelten läßt.” (P. Hacker, “Religiöse Toleranz und Intoleranz im Hinduismus”, *Saeculum* 8.2/3, 1957, 167-179, p. 171; cp. also P. Hacker, *Kleine Schriften*, ed. Lambert Schmithausen, Wiesbaden: Franz Steiner Verlag, 1978, index s.v. *Inklusivismus*). For discussions of Hacker’s “Inklusivismus” further see *Inklusivismus, Eine indische Denkform*, ed. Gerhard Oberhammer, Publications of the De Nobili Research Library, Occasional Papers 2, Wien: Institut für Indologie der Universität Wien, 1983; with other Indian forms of approval of religious diversity deals A. Wezler, “Zur Proklamation religiös-weltanschaulicher Toleranz bei dem indischen Philosophen Jayantabhaṭṭa”, *Saeculum* 27.4, 329-347.

<sup>29</sup> In any case, Indian juridical literature binds the king to treat all religious groups according to their own customs. The king should even take care that their own customs are upheld. Cp. P. Hacker 1957: 168, op. cit. in the preceding note.

<sup>30</sup> In the Chinese, however, a tendency to stress the exclusive superiority of the Buddhist doctrine becomes manifest in some passages, e.g., in the section dealing with the question whom the king should consult in order to learn what is morally right and bad (F.). Whereas in the Tibetan the king is advised to ask both brahmins and ascetics, the Chinese reads:

於彼瞿曇法中住者是眞沙門，能行正道，利益衆生，是福田者，能知正法，是如法語者。

大王，當知。除彼沙門瞿曇法外，餘諸一切婆羅門等是名邪道，非眞沙門，非法語者。

不應取語。(T 335a1-5; Ji 872b5-10)

guidelines for royal ethics have been established. The king is not a *cakravartin* whose realm is free of evil, but he deals with all different kinds of executive duties which, emerging from a different religio-political tradition, are partly in drastic opposition to the Buddhist *dharma*. The sphere he has to deal with is the world described in the sections on *upāya* and *ekayāna*. On the other hand, Satyaka's principles, though not openly propagated, are clearly inspired by an idealising Buddhist background, which joins hand with the lofty descriptions of the Buddha in the following sections. Is it possible for the king to keep loyalty to the Buddhist *dharma*? How deeply should he plunge into the realm of the *upāyas* of the tathāgatas? What should be his attitude towards the values of other religious doctrines? In other words, the sixth chapter thus finds itself torn between the Mahāyānist pretension of a soteriological monopoly as its doctrinal basis, and, on the other hand, the need to interact with a de facto pluralistic society being far from accepting this Mahāyānist standpoint as superior. The position of the chapter on *rājanīti* between the two main blocks, when seen from that perspective, also formally mirrors this conflict.

In the following I will focus on two issues included in Satyaka's exposition of political ethics which are in several respects different from the pertinent literature of *arthaśāstra*.<sup>31</sup> Let us start with an outspoken criticism by Satyaka:<sup>32</sup>

"Those who dwell in the *dharma* of that Gautama are the real *śramaṇas*, [they alone] are able to go along the right path and benefit living beings. It is they who are the [true] fields of merit (*puṇyakṣetra*); they know the right *dharma*, and they are the ones who preach in accordance with the *dharma*. Great King, [this you] should know: Apart from the *dharma* of that *śramaṇa* Gautama all other brahmins are called '[those on] the wrong path', 'not real *śramaṇas*' and 'those who do not preach the [right] *dharma*'. [Their] words should not be accepted!"

Later, in section H., the Chinese, again in contrast to the Tibetan, states that the **Buddha** does not allow the king to inflict capital punishment and mutilation (*T* 336c3; 336c6; *Ji* 874c21; 875a2).

<sup>31</sup> By *arthaśāstra* literature I mean the *Arthaśāstra* by Kauṭilya as well as the relevant passages in the brahminic *dharmaśāstras* and the epics. The scope of these texts is wide, and the systems of values vary. The rules formulated there are evidently not of homogeneous nature. In this study, besides the *Aś*, I have restricted myself to some of the most influential writings, viz., among the *dharmaśāstras*, the ones attributed to Manu and Yājñavalkya, and the *Śāntiparvan* chapter of the *Mahābhārata*. Since a detailed comparison with these sources is not the object of our discussion here, my references to them are only sporadic. The influence of the *Aś*, possibly the main target of criticism of the *BGUVVNS*, on the actual politics in India has been characterised as restricted (cp. Kane I.197; Basham 1964: 125).

<sup>32</sup> All following quotations are based on *S*. The variants provided for *Q* do not comprise differences in punctuation and the usual confusion between *nga/da* and *pa/ba*.

The Chinese runs as follows (obviously faulty variants are not provided):

王言。大師，云何名為邪法羅網之所纏心。答言。大王，於諸外道非義論<sup>1</sup>中起義論想，於無益論生利益想，於非法中生是法想，於末世時非是智者所作論中以爲正論生於信心，熏修邪見以爲福德是名邪法羅網纏心。王言。大師，以何等法名為王論令諸小王依彼論法，治國，理民，是名如法能護

smras pa / log pa 'i chos kyis<sup>1</sup> 'khor ces bya ba gang yin /  
 smras pa / don gyi bstan bcos su ming btags pa / gnod par 'gyur ba dang ldan pa / dam pa 'i  
 chos ltar bcos pa / rtsod pa 'i dus na skyes bu dam pa ma lags pas bgyis pa la mos pas yongs su  
 bgos<sup>2</sup> pa 'i lta bas yon tan du lta ba lags so //  
 smras pa / bram ze bstan bcos gang la chos dang ldan pa 'i rgyal pos brten<sup>3</sup> cing skye dgu  
 skyong bar byed pa 'i bstan bcos gang yin /  
 smras pa / rgyal po chen po de ni bstan bcos gang las mi rigs pa 'i chags pa dang / mi rigs pa 'i  
 zhe sdang dang / mi rigs pa 'i gti mug gi gnyen po rang bzhin nam / rab tu dbye ba 'am / phan  
 yon gyi sgo nas bstan pa te / de la gnyen po 'i rang bzhin ni 'di lags te / 'di lta ste / de 'i gnyen  
 por 'gyur ba ma chags pa dge ba 'i rtsa ba dang / zhe sdang ma mchis pa<sup>4</sup> dge ba 'i rtsa ba dang /  
 gti mug ma mchis pa<sup>4</sup> dge ba 'i rtsa ba lags so // de la gnyen po kun nas slong ba ni 'di lags te /  
 'di lta ste / bag mchis pa dang / snying rje lags so // (S 32b7-33a4; Q 60b5-61a2)  
<sup>1</sup> S: kyi (cp. S 32b4); <sup>2</sup> Q: bsgos; <sup>3</sup> Q: rten; <sup>4</sup> S: pa 'i for pa.

[The king] asked: “What does ‘to be confused by a wrong law (*mithyādharmā*)’ mean?”

Answer: “It is to [wrongly] conceive of the so-called *arthaśāstra*(s) as virtuous (*guṇa*) [caused] by [a wrong] view (*dṛṣṭi*) habituated through belief [into these writings. But those *arthaśāstra*(s)] are connected with what leads to harm, [they are] counterfeits of the good law (*\*saddharma-pratirūpaka*) and made by bad people in [this last and] vicious [of the four] age[s] (*kaliyuga*).”

[The king] asked: “Brahmin, which are the *śāstras* on that a king loyal to the *dharma* bases himself and protects [his] subjects (*prajā*)?”

Answer: “Great King, they are [those] *śāstras* in which the antidotes (*pratipakṣa*) against the evil (*viṣama*) greed (*rāga*), the evil anger (*dveṣa*), and the evil misguidedness (*moha*) have been expounded according to [their] nature, [their] subdivisions (*prabheda*), and [their] benefits (*anuśamsā*). Thereby the nature of the antidotes is [the following]: the wholesome root (*kuśalamūla*) of the [evil’s] antidote “without greed”, the wholesome root of the [evil’s] antidote “without anger”, and the wholesome root of the [evil’s] antidote “without misguidedness”. What thereby gives rise (*samutthāna*) to the antidotes is conscientiousness (*apramāda*) and compassion (*karuṇā*).”

This paragraph openly blames the *arthaśāstra*(s) as leading to violence. As mentioned in the beginning, the term *arthaśāstra* is nothing but another designation for the traditional codices of a king. The best known representative of the *arthaśāstra* literature is the *Arthaśāstra* of Kauṭilya (*Aś*), a work which probably came into existence as early as the late 4<sup>th</sup> century BCE.<sup>33</sup> However, it is highly probably that it never reached the same range of popularity as did the *Manusmṛti*, the *Mahābhārata* or the *Rāmāyaṇa*, which, beside others,

衆生。答言。大王，離諸顛倒貪欲之心，離諸顛倒瞋恚之心，離諸顛倒愚癡之心，依對治，依實體，依差別，依利益。依對治，依實體者對所治法所謂名爲不貪善根，不瞋善根，不癡善根。云何能起所治法，能治法。所治法者謂放逸心及無慈心。能治法者謂行法行王不放逸心，大慈悲心。

(T 333a10-23; Ji 869b17-869c11)

<sup>1</sup> Var. given in T: 相 for 論.

<sup>33</sup> Cp. Hartmut Scharfe, *Untersuchungen zur Staatsrechtslehre des Kauṭilya*, Wiesbaden: Harrassowitz, 1968, pp. 1ff.

all contain portions dealing with the duties of a king.<sup>34</sup> It is widely acknowledged that parts of these expositions, including the *AŚ* par excellence, are Machiavellian in their nature, following the principle of the end justifying the means. They are characterised by subtle or unscrupulous cunning, deception, expediency and dishonesty. The punishments suggested are horrible; mutilation as well as death penalty occur frequently.<sup>35</sup> The main goal is to provide the king with the most efficacious means to continuously acquire more wealth for him and his country and to let him expand his territory, which amounts to granting protection to his subjects from enemies inside and outside the country.

Even Kane, who generally speaks of the *arthaśāstras* in high terms, remarks that “the Mahābhārata and the Kauṭīliya both support in several places the adoption of means entirely divorced from all rules of fair dealing and morality” and provides plenty of examples in support of his view.<sup>36</sup> Especially Kauṭilya’s *AŚ* can serve as an example par excellence for the above described tendency and did not remain without criticism among brahminic authors.<sup>37</sup>

We do not know which works dealing with *arthaśāstra* the authors or compilers of the *BGUVVNS* had in mind when putting forth their criticism. But it is clear that the general tendency underlying these works, i.e., that the end justifies the means, does come into collision with key concepts of the Buddhist ethics. The *BGUVVNS* consequently rejects these traditional works as “not virtuous”, because they were (1) leading to violence, (2) only pretending to be the good law, and (3) composed by bad people in the *kaliyuga*. Regarding the two latter accusations, the *BGUVVNS* seems to follow the *Purāṇic* conception of time. The *Purāṇas* assume a cycle of four ages (*yuga*) through which the world goes. The last of these four ages, the *kaliyuga*, is said to start with the war of the *Mahābhārata* and is the most

<sup>34</sup> There are, as a matter of fact, many more old Indian texts dealing with *rājanīti*. For a comprehensive listing cp. Kane I.13.

<sup>35</sup> Basham (1959: 119) mentions impalement as the usual form of execution. For the two forms of impalement, viz., “impalement proper” and “impalement after decapitation” cp. A. Wezler’s “An Internal Contradiction in the *Mṛcchakaṭika*? Some Remarks on Impalement in Ancient and Mediaeval India” in *Festschrift Dieter Schlingloff*, ed. Friedrich Wilhelm, Reinbek: Dr. Inge Wezler, Verlag für Orientalistische Fachpublikationen, 1996, 287-306.

<sup>36</sup> Cp. Kane III.10ff.

<sup>37</sup> Such criticism is put forward in the *Kādambarī* of Bāṇa, a work of the 7<sup>th</sup> century, which blames the *AŚ* to be “without compassion” (*nirghṛṇa*) and to contain for the main part teachings that are “exceedingly cruel” (*atiṇṣāmsa*): *kiṃ vā teṣāṃ sāmpratam yeṣāṃ atiṇṣāmsaprāyopadeśanirghṛṇam kauṭilyaśāstram pramāṇam* / (source cited in Kane I.174, n. 161).

degenerate of the ages. The right *dharma* is forgotten and evil prevails. Associating the composition of the *arthaśāstras* with this late period does not necessarily disqualify them as guidelines with some authority. It is common to both epic and Buddhist mythology to assume that long time before, at a stage when living beings were still free of desire and misguidedness, there was no need for any kind of punitive regulations and even no need for a king in charge of maintaining justice and protection from external enemies.<sup>38</sup> Nevertheless, by arguing that the *arthaśāstras* are only a product of the last age, the *BGUVVNS* probably tries to stress their relativity and thereby denies their claim for authority. For the *BGUVVNS* it is nothing but a wrong view that habituates living beings to follow the *arthaśāstras*. When the authors of the *sūtra* claim that the *arthaśāstras* are “counterfeits of the good law”<sup>39</sup>, they probably intend to stress that the underlying principle is not in accordance with basics of the Buddhist doctrine and that they only pretend to be for the benefit of all living beings. In the perception of the authors of the *BGUVVNS* the guidelines of the *arthaśāstras* are rather impregnated with the “poisons” of the degenerated age and should thus not be accepted as “good”.

The main argument (1) against the *arthaśāstras* refers to their harming nature. This is followed by explanations of a set of elements which define the right guidelines for a king. According to them all political measures of a king should be based on the antidotes against the three fundamental defilements greed, anger and misguidedness.<sup>40</sup> They are mentioned frequently in Buddhist literature as the three poisons (*doṣa*) or the three unwholesome roots (*akuśalamūla*).<sup>41</sup> The *sūtra* then rather unorthodoxly states that conscientiousness (*apramāda*) and compassion (*karuṇā*) are the factors that give rise to the antidotes, whose natures consist in the absence of the three poisons. This pair, i.e., conscientiousness and

<sup>38</sup> For the Buddhist tradition cp. the *Aggañña Suttanta* (DN III.80ff.); for the *Mahābhārata* see Kane III.4. Exceptional for the Buddhist tradition is the 12<sup>th</sup> chapter of the *Suvarṇabhāṣottamasūtra*. In this chapter the god Brahman argues that the king is created by the gods (*Suvarṇabhāṣottamasūtra*, *Das Goldglanz-Sūtra*, *Ein Sanskrittext des Mahāyāna-Buddhismus*, ed. Johannes Nobel, Leipzig: Harrassowitz, 1937, p. 134.7-135.3).

<sup>39</sup> The term *saddharma* usually designates the Buddhist *dharma*.

<sup>40</sup> The *Śikṣāsamuccaya* mentions the following antidotes against the three poisons: *aśubhā bhāvanā rūgasya pratipakṣaḥ* / (115.31f.; quoting the *Ratnamegha[sūtra]*); *dveṣasya maitrī pratipakṣaḥ apriyasattvādarśanaḥ ca* / (117.8f.); *mohānuśayasya pratītyasamutpādadarśanaḥ pratipakṣaḥ* // (120.17) (*Śikṣāsamuccaya of Śāntideva*, ed. P.L. Vaidya, Buddhist Sanskrit Texts 11, Darbhanga: Mithila Institute, 1961).

<sup>41</sup> Cp. Jikido Takasaki, *An Introduction to Buddhism*, Tokyo: The Tōhō Gakkai, 1987, 144ff.

compassion, appears several times throughout the chapter and can undoubtedly be said to function in the *BGUVVNS* as the essential factors underlying a Buddhist inspired rule. To find *karuṇā* in such a central position is not surprising as it can be said one of the dominant, if not **the** dominant, Mahāyānist response to the saṃsāric world. It is thus just natural that *karuṇā* lies at the bottom of the antidotes against the three main defilements. It corresponds to friendliness (*maitrī*), which functions as the antidote of anger in the more classical Mahāyānist schemes (see above).

*Apramāda*, however, maintains a less eminent position in Mahāyāna Buddhism. It is well attested in the Pāli scriptures (*appamāda*) where it is said to underlie all spiritual progress in terms of thoughtfulness (synonym to *sati-avippavāsa*) and zeal.<sup>42</sup> The *Abhidharmakośa* defines *apramāda* as the cause for the cultivation of wholesome *dharma*s and adds that, according to others, it serves as the guard of the mind.<sup>43</sup> Besides this, the term *apramāda* is also employed less scholastically to express carefulness and caution in mundane affairs. This is the general usage of the term in the *arthaśāstra* literature when in the *Śāntiparvan* of the *Mahābhārata* the king is said to protect his subjects “with effort and conscientiousness”,<sup>44</sup> to “continuously keep up the rod (of punishment) and handle (his affairs) conscientiously”,<sup>45</sup> or when the king is admonished not to be without conscientiousness, for this would cause him to stumble and bereave him of his life.<sup>46</sup> In the *AŚ* the term does not appear at all; its negative counterpart *pramāda*, however, is found frequently and, when used in relation to another person, it can mean a stratagem against that person.<sup>47</sup>

The *BGUVVNS* itself defines *apramāda* immediately after the above-cited portion in the following words:<sup>48</sup>

<sup>42</sup> For *pramāda* as the supreme (*agga*) among the wholesome *dharma*s described in six similes cp. *AN* III.364f; cp. also *SN* I.86ff. The last words of the Buddha before his death are an invitation to strive with conscientiousness/zeal (... *appamādena sampādetthāti*; *DN* II.156).

<sup>43</sup> *Apramādaḥ kuśalānām dharmānām bhāvanā / kā punas tebhya 'nyā bhāvanā / yā teṣv avahitatā / cetasa āraṅkṣeti nikāyāntariyāḥ\* sūtre paṭhanti / [\*read °iyāḥ for °itāḥ] (Abhidharma-Kośabhāṣya of Vasubandhu, ed. P. Pradhan, Patna: K.P. Jayaswal Research Institute, 1967, 55.7f.).*

<sup>44</sup> *ŚP* 76.3: *sarvāś caiva prajā nityam rājā dharmeṇa pālayet / utthānenāpramādena pūjayet caiva dhārmikān //*; similar *Manu* 7.142cd: *yuktaś caivāpramattaś ca parirakṣed imāḥ prajāḥ //*.

<sup>45</sup> *ŚP* 12.9cd: *nityam udyatadaṇḍaḥ syād ācarec cāpramādataḥ //*.

<sup>46</sup> *ŚP* 83.28ab: *pramādād dhi skhaled rājā skhalite nāsti jīvitaṃ /*.

<sup>47</sup> Cp. *AŚ<sub>M</sub>* 197.

<sup>48</sup> *Ch<sub>2</sub>*: 知身無常，資生無常，善自觀身，見諸過失，能如實知，如見遠離受用資生。行法行王雖得自在，不行非法，如是名為不放逸心。(T 333a23-25; Ji 869c11-14)

*rgyal po chen po de la chos dang ldan pa'i rgyal po'i longs spyod rnams dang / bdag nyid kyang mi rtag par rtogs shing / dran pa nye bar bzhag ste / nyes dmigs su lta zhing nges par 'byung ba 'tshal bas / longs spyod rnams la spyod<sup>1</sup> cing / rgyal po'i dbang phyug gi dbang bgyid pa 'di ni / de'i bag mchis pa lags so // (S 33a5f.; Q 61a2f.)*

<sup>1</sup> Q: om. *rnams la spyod*.

“Great King, a king loyal to the [right] *dharma* understands and brings to [his] awareness (*smṛtyupasthāna*) that material wealth and he himself too are not lasting; [he thus] perceives the misery [of these things] (*ādinava*) and desires deliverance (*nirvāṇa*). [If he] handles material wealth and practices [his] sovereign power with [the aforementioned attitudes], then this is his conscientiousness (*apramāda*).”

The definition surprises as it deals less with conscientiousness in the sense it is used in the *arthaśāstra* literature, i.e., as attention and carefulness in the king's duties and caution towards his enemies. The definition rather understands *apramāda* as an inner attitude which leads to the reflection on and the awareness of the transitoriness of all worldly matters and to the desire for deliverance. In this way the term *apramāda* gains a new dimension: it reminds the king of the need for his spiritual emancipation and admonishes him not to cling to his life and wealth. In contrast to the second factor of the pair, i.e., compassion for living beings, which presupposes a more or less ethically engaged attitude, the definition above arranges *apramāda* rather on the opposite side, where renunciative aspects are prevailing. The central pair *karuṇā* – *apramāda* thus turns into a somewhat antithetic relation which could be compared to the (much more) fundamentally opposed relation between compassion and *śūnyatā*.<sup>49</sup>

The term *apramāda* offers the advantage that it is not mainly associated with the Buddhist teaching, as we have seen above. Though defined in a spiritual way, the usage of this word in the *BGUVVNS* also retains its vulgar sense of “carefulness, caution”. This could be a reason for choosing it as one of the key terms, given that the whole setting of the *BGUVVNS* is placed in a multireligious environment. In the following I shall shortly focus on two issues in the chapter on *rājanīti* of the *BGUVVNS* and examine if their treatment reveals considerable differences from the traditional literature of *arthaśāstra*. The issues in question are the sūtra's position towards punishment and war.

There can be no doubt that punishment (*daṇḍa*) maintains a prominent position among the duties of a king. Punishment is one of the means by which the king protects his subjects. As

<sup>49</sup> For the relation between these “two poles of Buddhist spirituality” and its underlying tension cp. Lambert Schmithausen, “Mitleid und Leerheit: Zu Spiritualität und Heilsziel des Mahāyāna”, in *Der Buddhismus als Anfrage an christliche Theologie und Philosophie*, ed. A. Bsteh, Studien zur Religionstheologie 5, Mödling, forthcoming 2000.

mentioned above, according to the mythology, it is in particular this main task of protection which made the appointment of a king necessary. In case of punishment we deal with the protection of the subjects from transgressors within the country. According to the *Manusmṛti*, the *daṇḍa*, made of the highest energy, was emitted by Īśvara as the *dharma* to protect all living beings.<sup>50</sup> And, as it is further stated, “If the king did not tirelessly inflict punishment on those who should be punished, the stronger would roast the weaker like fish on a spit ... and (everything) would be upside down.”<sup>51</sup> This conviction, viz., that without punitive measures the world would end up in chaos, appears frequently in the pertinent literature. Without fear of punishment the so-called *mātsyanyāya*, the principle that the stronger devours the weak, is thought to become prevailing.<sup>52</sup> Protecting the subjects by frightening and deterring potential criminals thus seems to have been considered as one of the essential functions of punishment. Another, equally important issue is the expiatory function of punishment. It is believed that in the same way as in the religious-spiritual realm expiatory acts (*prāyaścitta*) lead to the purification of wrong-doers from their bad deeds, so does punishment (*daṇḍa*), its counterpart in the mundane sphere, purify the criminal from his offence.<sup>53</sup> The king, by inflicting punishment on the culprit, enables the positive *karman* which the transgressor had collected in former lives to become effective and thereby operates for the benefit and in the interest of the culprit. The act of punishing is thought to destroy the factor which, caused through the offence, hindered this positive *karman* to become effective.<sup>54</sup> Besides this, Kane, based on his study of the *dharmaśāstra* literature, adds some more reasons. According to him, the individual and social urge for retaliation and the preventive exclusion of a criminal from society (capital punishment as the most drastic form) were also arguments in use to justify punishment.<sup>55</sup>

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<sup>50</sup> *Manu* 7.14: *tasyārthe sarvabhūtānām goptāraṁ dharmam ātmajam / brahmatejomayaṁ daṇḍam asṛjat pūrvam īśvaraḥ* //.

<sup>51</sup> *Manu* 7.20f.: *yadi na praṇayed rājā daṇḍam daṇḍyeṣv atandritaḥ / śūle matsyān ivāpakṣyan durbalān balavattarāḥ* // ... *pravarttetādharottaram* //; the translation is according to Wendy Doninger and Brian K. Smith, *The Laws of Manu*, Penguin Books, 1991.

<sup>52</sup> For references cp. Kane III.21f.

<sup>53</sup> Cp. Wezler 1995: 108ff.; 117; 122ff.; 126ff.; 132ff.

<sup>54</sup> Cp. Wezler 1995: 124f.

<sup>55</sup> Cp. Kane III.388ff.; Tähtinen comes to the conclusion that retaliation is of only subordinated nature and “has been replaced by the rite of expiation” (pp. 26; 39). For a bibliography on the theories of penal law in India cp. Wezler 1995: 133f. (n. 183; 184; 186).

The *BGUVVNS* definitely joins the tenor of traditional brahminic literature in stressing the need for punishment and dedicates about one third of the chapter on royal ethics to its discussion. Even in the definition of *karuṇā*, the second of the two key terms, the *sūtra* states that the king's compassion consists in the support of the poor and in the adequate punishment of the dishonourables.<sup>56</sup> Here I will not be able to deal with the discussion of all of the five factors that regulate punishability (D.), the questions how the different categories of criminals are to be punished (F.), and how a king should deal with his own transgressions (F.). I shall limit myself to analysing the passages with regard to the questions how punishment should be applied and why extreme forms such as the death penalty and mutilation should be avoided under any circumstances.

Let us start with the two last issues regarding punishability in D.:<sup>57</sup>

[4] *jam par lags kyi / brlang bar ma lags so* // [5] *byams pas lags kyi / zhe sdang gis ma lags so* // ... [ad 4] *smras pa / ji ltar na 'jam par yin gyi / brlang bar ma yin zhes bya / smras pa / gal te skyon brjod pa tsam gyis 'grub par rtogs pa zhig na yang bcing ba dang / bsad<sup>1</sup> pa la sogs pas gnod par mi bgyi bar yang dag par skyon brjod pa lags kyi / skyon ma brjod par ma lags so* // [ad 5] *smras pa / ji ltar na byams pas yin gyi / zhe sdang gis ma yin zhes bya / smras pa / gal te skyon brjod pa tsam gyis mi 'grub par rtogs pa zhig na dgum<sup>2</sup> pa dang / dbang po nyams par bgyi ba<sup>3</sup> dang / yan lag gtub pa ma gtogs par byams pa'i sems dang / snying rje'i sems nye bar bzhag ste / bcing ba dang / go rar stsal ba dang / brdeg<sup>4</sup> pa dang / bsdigs pa dang / gnod par bgyi ba dang / spyo ba dang / brgyad bkag pa dang / gnas<sup>5</sup> bkar ba dang / longs spyod dbrog<sup>6</sup> pa la sogs pa brlang<sup>7</sup> ba'i rnam pa rnams kyiis brlang bar bgyi ba ste / de las 'das par brlang bar bgyi ba ma lags so* // (S 33b5-34a6; Q 61b1-8)

<sup>1</sup> Q: *gsad*; <sup>2</sup> Q: *'gum*; <sup>3</sup> Q: *bgyid pa*; <sup>4</sup> Q: *brdag*; <sup>5</sup> Q: *gnas nas bkar*; <sup>6</sup> Q: *'phrogs*; <sup>7</sup> Q: *blang*.

“[4] [A king loyal to the *dharma* punishes] mildly, not harshly. [5] [He punishes] with friendliness (*maitrī*), not with anger (*dveṣa*).” ... [ad 4] [The king] asked: “What [do you mean with ‘He punishes] mildly, not harshly?’” [Satyaka] answered: “[‘He punishes mildly, not

<sup>56</sup> ... *dbul po rnams la nor sbyin pa dang / mi srin pa rnams la yang dag par chad pas gcad<sup>1</sup> pa 'di ni / de'i snying rje zhes bgyi ste* // (S 33b1-2; Q 61a5-6)

<sup>1</sup> Q: *ba cad* [i.e. *bcad*] for *gcad*.

The *Suvarṇabhāṣottamasūtra*, in its 12<sup>th</sup> chapter on *rājaśāstra*, describes at long the disastrous consequences for his realm if a king overlooks transgression and does not punish the wicked. No mentioning of compassion is made there throughout the chapter. Deterrence and justice appear as the prevailing tenets.

<sup>57</sup> *Ch<sub>2</sub>*: 四者依柔軟語，非麤獷語。五者依慈心，非瞋心...

[ad 4] 王言。大師，云何柔軟，非麤獷語。答言。大王，知此衆生所犯王法，但應呵責，不合餘治，應如其過正說，不隱，善說，苦<sup>2</sup>言。如是呵責，非不呵責是名軟語，非麤獷語。

[ad 5] 王言。大師，云何慈心，非瞋心。答言。大王，智者知此，非但呵責斷此罪過，除却斷命，不得割截手、腳、眼、耳、鼻、舌，依於大慈大悲之心，聽繫閉、牢獄、枷鎖、打縛、種種呵責，奪取資生，驅擯他方，爲令改悔，非常惡心捨此衆生是名慈心，非瞋心。

(T 333b9-27; Ji 870a5-b3)

<sup>1</sup> Var. given in T: 知 for 如; <sup>2</sup> Var. given in T: 若 for 苦.

harshly' applies,] if – [given that] it is evident that [a settlement can] be reached through merely declaring the crime – [the king] refrains from harming [the culprit] through binding [him], killing [him], and so on and [just] declares the crime. [It does not apply if the king does] not [make use of] the declaration of the crime.” [ad 5] [The king] asked: “What [do you mean with ‘He punishes] with friendliness, not with anger’?” [Satyaka] answered: “[‘He punishes with friendliness, not with anger’ applies,] if – [given that] it is evident that [a settlement can] not be reached through merely declaring the crime – [the king] brings forth a mental state of friendliness and compassion and behaves harshly by [inflicting] harsh forms [of punishments, such as] binding, imprisoning, beating, threatening, harming(!), scolding, reproaching, exiling [the culprit from] the region, confiscating [the culprit’s] property and so on, [but] not killing [him], injuring [his] senses, or cutting parts [of his body]. Beyond that [he does] not inflict harsh [forms of punishments].”

I am not quite sure if my admittedly interpretative translation of [4] hits the mark. Punishments by merely verbally criticising the culprit (*vāgdaṇḍa*, *dhigdaṇḍa*) are well-attested in brahminic literature and the epics.<sup>58</sup> As the Chinese (呵責: “to scold, to charge”) indicates, the act may consist in more than a simple declaration of the crime and could, e.g., by proclaiming the transgressor’s act publicly, come close to a reproach and open stigmatisation. To “reach a settlement” alone through that “declaration” might indicate that the actual crime was of a trivial nature and thus the king is not urged to apply any harsh measures. Or it could be understood that the evident and sincere repentance of the culprit made all further forms of punishments unnecessary. However, if this situation does not apply, the king – actualising friendliness and compassion – is supposed to inflict more violent methods with the exception of the death penalty and irreparable damaging of the body. The other kinds of punishments mentioned above are well-attested in the *arthaśāstra* literature.

Punishment and simultaneous cultivation of love and compassion deserve further explanation, and when asked about this seemingly contradictory point, Satyaka answers the king with the following simile (E.):<sup>59</sup>

*'di lta ste dper bgyi na / phas bu mi srin pa zhig bcos par 'tshal na / byams pa'i sems dang / snying rje'i sems nye bar bzhag ste / dgum pa dang / dbang po nyams par bgyi ba dang yan lag*

<sup>58</sup> Cp. Kane III.391; for the epic cp. e.g. *ŚP* 228.34, 259.19, 283.7.

<sup>59</sup> *Ch2*: 譬如父母於惡行子，爲念子故，欲令改悔，方便苦治，除却<sup>1</sup>斷命，不壞諸根，餘打罵等隨心苦治，不名捨心，不名惡心，不名惱心，以念子重，爲令改悔，更不作故，而彼父母不名非法，名爲念子，不失慈心。大王，當知行法行王治諸一切惡行衆生亦復如是，慈心重故，爲令改悔，除却斷命，不壞諸根，生大慈心，起大悲心，繫閉，打縛，惡口，呵罵，奪其資生，驅擯他方，爲令改悔，捨惡，從善，亦令其餘念惡衆生不作非法，非常惡心捨此衆生，亦不故心爲惱衆生，而行苦切。如是名爲行法行王以慈悲心行惡口等治罪衆生，不名非法，不失慈心。是故二行名雖有返<sup>2</sup>，而不相違。(T 333c2-c15; Ji 870b8-c1)

<sup>1</sup> All versions (also T) read 不 instead of 却; <sup>2</sup> Var. given in T: 反.

*gtub pa ma gtogs par gnod pa'i rnam pa gzhan gyis brlang bar bgyid de / 'on kyang de la sdang<sup>1</sup> ba'i sems sam / gnod par bgyi ba'i sems mi 'byung ste / gzhan du na nyes pa<sup>2</sup> bzlog pa nyid kyi ched du bgyis te / nyes pa ma byung ba rnams mi 'byung bar bya'o snyam ste / brlang bar bgyid do //*

*de bzhin du rgyal po chos dang ldan pa yang skye dgu rnams la bu'i 'du shes nye bar bzhag ste / sems can mi srin pa rnams bcos<sup>3</sup> na / srog bcad<sup>4</sup> pa dang / dbang po nyams par bgyi ba dang / yan lag gtub pa ma gtogs par byams pa'i sems dang / snying rje'i sems su bgyis te / bcing ba dang / ...<sup>5</sup> brlang ba'i rnam pa rnams kyis brlang bar bgyid kyang / de sems can de dag la sdang<sup>6</sup> ba'i sems sam / gnod par bgyi ba'i sems mi 'byung ste / gzhan du na nyes pa bzlog pa nyid kyi ched du bgyis te / de ma lags pa gzhan rjes su bslab<sup>7</sup> pa dang / nyes pa ma byung ba<sup>8</sup> rnams mi 'byung bar bya'o snyam ste brlang bar bgyid do //* (S 34b2-35a1; Q 62a2-a8)

<sup>1</sup> Q: *gtad* for *sdang*; <sup>2</sup> S: *nga* for *pa*; <sup>3</sup> Q: '*chos* for *bcos*; <sup>4</sup> Q: *gcad*; <sup>5</sup> Same enumeration as above with *gnod par bgyi ba dang* / missing; <sup>6</sup> Q: *btang*; <sup>7</sup> Q: *brlab*; S: *brlang*; <sup>8</sup> Q: *ba'i*.

"It is as if a father, [who,] when [he] wants to cure a dishonourable son, after [he] has brought about a mental state of friendliness and compassion, treats [his son] harshly with [all] other kinds of harming [punishments] except killing [him], injuring [his] senses, or cutting parts [of his body]. But thereby no mental state of malignity or causing harm arises [in the father. He] rather acts in order to dispel the fault, and treats [him] harshly while thinking: 'May faults [which yet] have not come forth not arise!'"

In the same way, also a king loyal to the *dharma* brings about the conception that [all of his] subjects [are his] sons, and, when [he] cures dishonourable living beings, acting in a mental state of friendliness and compassion, [he] treats [them] harshly with harsh forms [of punishments, such as] binding ... except killing [them], injuring [their] senses, or cutting parts [of their body]. And yet no mental state of malignity or causing harm arises [in] him towards those sentient beings. [He] rather acts in order to dispel the[ir] faults, and treats [them] harshly while thinking: 'Other [living beings] than those [punished here] may imitate (*anusīkṣati*) [the transgressors]; may faults [which yet] have not come forth not arise!'"

The term *zlog pa* (\**vinivartana*; future form: *bzlog*) appears to be most naturally translated by "to dispel" (the faults). However, also a causative translation seems possible, such as "to cause [him] to dismiss" (the fault) or even "to turn [him] away" (from the fault), though in the latter case a particle *las* (*nyes pa las*) would be preferable. The passage provides two arguments why punishment should be applied: The first is the removal of the fault, be it through the direct act of punishment itself or through causing the culprit to turn away from the fault. The second is the hope that the infliction of punishment may keep off the wrongdoer and other subjects from such offences, i.e., the deterring aspect of punishment. Both arguments, as seen above, are common in brahminic literature. What distinguishes the argumentation is the distinct rejection of forms of punitive measures that in their consequences are irreversible for the culprit. We will soon come back to this topic.

The idea of the king as the father of his subjects was wide spread in ancient India and in this point the simile should come as no surprise.<sup>60</sup> The explicit mentioning of the

<sup>60</sup> Whereas Lingat (p. 26f.) does not question the fact that also the brahminic *śāstras* and even the *Arthaśāstra* by Kauṭilya stress the idea of the king as the father of all his subjects, he remarks that

actualisation of feelings of love and compassion before inflicting punishment, on the other hand, is noteworthy. Though the *arthaśāstra* literature mentions the need for a king to restrain his rage,<sup>61</sup> the main stress regarding punishment falls on justice. It will soon become clear what one of the possible reasons for the admonition to be compassionate could be.

Besides the imagery of the king-father who treats his subjects in the same way as he would treat his own son, later the sūtra develops another analogy, which is already pointed at in the passage above: the verb *bcoś pa* ("to cure") usually designates medical treatment. In L., among the eight views to be cultivated by a king, the first view has the king not to drop his compassion when restraining the dishonourables. He should, it is said, cure them in the same way a father cures his son. Then, immediately in the following passage, the king, this time compared to a physician, is advised to remain without anger towards the transgressors and to apply himself to the annihilation of their faults.<sup>62</sup> By this last analogy it becomes evident why forms of punishments with irreparable consequences should not be inflicted: No physician would go so far as to cause damage to some part of the body and even less the death of a patient provided that there are other kinds of effective "medications". Obviously the *BGUVVNS* considered other measures of punishment as sufficient to guarantee the maintenance of law and order. It does not prescribe to an ethic of retaliation, as it is found in certain passages of the *arthaśāstra* literature, nor does it promote a theory of discouragement through extreme punitive measures. The main emphasis is put on the aspect of curing the transgressor from his illness and thereby keeping the door for him open to return to a more or less unstigmatized life as he may have led it before his transgression.<sup>63</sup>

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this concept might have been particularly emphasized by Aśoka. In his eyes, Aśoka associated with it primarily the active guidance of his subjects towards virtuous behavior. For the brahminic sources, however, he claims the use of this concept mainly for oppressive motives. I find this interpretation not totally unobjectionable.

For the king as father cp., e.g., *Manu* 7.80; *Yājñ* 1.334.

<sup>61</sup> Cp. e.g. *AŚ* I, chapter 6; also *Manu* 7.46: anger as the worst vice.

<sup>62</sup> *S* 42a1-2; *Q* 68a4-5; *T* 338a25-b2.

<sup>63</sup> In an interesting passage in the *ŚP* we find some arguments against the death penalty (259.1ff.). The interlocutor Satyavat argues that, though in certain cases *dharma* can be *adharma* and vice versa, killing can never be *dharma* and that the death penalty also "kills" the family members (in terms of economic support?) of the executed who are not at all to blame. He then states that also a bad person would once adopt right behavior and that in the saṃsāric cycle of transmigration the birth of morally impure beings is not restricted to unvirtuous families (and hence, given that vice versa pure beings can be born in unvirtuous families, there is no legitimization to undermine the economic basis of such beings by executing their bread winner). Though the opponent of the discussion Dyumatsena admits

There might be several reasons behind the rejection of capital punishment and mutilation. Let us have a look at passage H., which I will shortly summarise. Caṇḍapradhyota directly confronts Satyaka by asking why a king, characterised by a defiled mind (*nyon mongs pa can gyi sems; kliṣṭacitta*), should not inflict death penalty and forms of mutilation. The question itself leaves room for speculation. It is unclear if for the questioner killing and mutilation are necessarily combined with a defiled mind, an assumption which would render it difficult to explain why other harmful forms of punishment, such as beating, should not be associated with mental defilements. If, on the other hand, the emphasis of the question lies on the defiled mind, one would be ready to argue that capital punishment etc. were acceptable if the king only ordered it with an undefiled mind, namely after having actualised compassion, as seen above. However, in his answer Satyaka states that **even** (*yang*) a king with a defiled mind would not think of killing etc., for he would be well aware of the consequences: The order to kill the culprit would leave the king in a state of aversion (*pratigha*) in the moment of death and lead to rebirths in bad existences (*apāya*); he would further be pursued for a long time by hostilities (from part of the punished one and his relatives in this world and the next existences?).<sup>64</sup> Mutilation and injuring of the senses,

that even by capital punishment one cannot tame the people, he defends, nevertheless, the perpetuation of the status quo.

<sup>64</sup> The Tibetan in this passage allows also for another interpretation:

'di ltar des rang gi las kyi dbang gis 'chi na yang khong khro ba 'i sems bskyed de / dus bgyis na ngan song rnam su skye bar 'gyur ba dang / yun ring por rjes su 'brang ba 'i sha khon du 'gyur ba mthong bas / de 'i slad du sems can dgum par ma<sup>2</sup> rjod<sup>3</sup> de / (S 38b1-2; Q 65a5-6)

<sup>1</sup> Q: ba for ba 'i; <sup>2</sup> S: om. ma; <sup>3</sup> Q: brjod.

Though another grammatical subject than the king is not found before the sentence in question, one could also understand it as the punished transgressors who die in a state of aversion, are reborn in bad existences and cannot get rid of their hostile feelings there. Such a reading seems to be suggested by the Chinese (see below). Philologically, I think, both possibilities must be taken into account. This second alternative would in fact better explain why the moment of death is associated with feelings of aversion. It is only natural that the person to be punished with death would feel aversion towards the one ordering his execution. On the other hand, the question arises why a king without compassion should be bothered by the idea that an executed transgressor is reborn in a bad existence. The only answer is that he could be afraid that the transgressor would try to harm him in his coming existences. It thus seems that both alternatives mainly aim at the same argument, namely that the king should not order execution because he would have to fear the revenge of the executed person, apparently extending into existences after this life.

The Chinese runs as follows:

彼法行王見彼衆生至於死時依自業過生<sup>1</sup>瞋恨心，死已命斷，生惡道中，惡心隨逐長夜不斷。

(T 336b27-29; Ji 874c15-18)

<sup>1</sup> Ji: 去 for 生.

Whereas Tibetan *sha khon* (\**vaira*), “animosity, hostility, revenge”, can probably only be understood as directed towards the king who ordered the execution, Chinese 惡心 (“evil mind”) is of

however, would not be reparable and were therefore inadequate to be ordered. The culprit should be punished with other measures such as imprisonment or binding which allowed him to be cured. To apply the death penalty and mutilation would result in an imperfect protection of the subjects and undermine their reliance (missing in *S*) on and sympathy (missing in *Q*) for the king.

The passage lists three arguments against death penalty and mutilation: (1) A bad future existence for the king (if we follow the first interpretation) and revengeful feelings against him from the side of the executed person (and his or her relatives?), (2) the irreparable nature of mutilation (and of course also of execution) preventing the curing of the transgressor, and (3) the loss of reliance/sympathy of the king's subjects. The first argument is self-evident. To abstain from intentional killing of sentient beings is counted as the first of the five precepts to be followed by all Buddhists.<sup>65</sup> In principle, this must also apply to the king. The sūtra does not offer any tool to relativise this norm but instead describes the king's bad future.<sup>66</sup> In case of mutilation the argument is different. This shows that in principal, if considered necessary, even in the *BGUVVNS* the king was considered to be entitled to harm living beings, obviously without any major consequences for his own future. Some passages before, a tool has been provided for the limitation of any bad karmic consequences for the king by admonishing him to practise friendliness and compassion when inflicting punishment on others.

The second part of the first argument, viz., the fact that the king has to expect the revenge of the executed person, links capital punishment with the aspect of fear. Whereas the king can protect himself against all kinds of dangers coming from the human world, it would be

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less specific nature and could also be interpreted as concerning the general state of mind of the reborn culprit. The main argument would then be that execution can in no way help the culprit (and society). In his coming existences he would, due to his unchanged state of mind, continue to cause disturbances in social life. The implicit call for granting the wrong-doer the chance for reformation in this life in order to stop the crimes' perpetuation can hardly be missed. At the same time this argument would constitute a criticism towards the idea that execution can function as some kind of moral purification, an idea mentioned in note 79.

<sup>65</sup> Schmithausen 1999: 45; Demiéville 347f.

<sup>66</sup> In the brahminic conception of kingship the ruler's duty to accomplish the *rājadharmā* is stressed as the most essential. This duty includes the infliction of punitive measures in open contrast to the idea of *ahimsā*. It seems that there was no doubt that a king applying himself to his *dharma* would attain merit despite the adoption of violent measures. The *BGUVVNS*, however, does not take up this argumentation which grants priority of the specific *dharma* over *ahimsā* (cp. also Wezler 1995: 125; 129, n. 165).

much more difficult, if not impossible, to prepare against revengeful attacks from the non-human world, in which the killed transgressor will be reborn (according to the second interpretation). Even if we follow the alternative understanding and assume that it is the king who is reborn in bad existences, he will there be exposed to the revenge of the executed, an idea, which equally must have had some deterring power in order to be mentioned as part of the argument.

The main aspect of the second argument is the irreversibility of the potential harm attributed. The reformation ideal of punishment, as expressed in the medical simile above, entails the application of a medication whose side effects should not overshadow the actual goal of its use. In other words, if there are alternative forms of punishment that do not involve heavy side effects such as the irrevocable loss of corporal functions, these should be applied. Binding and imprisonment are mentioned as such. Apparently the authors of the *BGUVVNS* did not favour the often-attributed discouraging function of extreme forms of punishment. On the contrary, in the last argument they charge these measures with undermining the relation between subjects and king by claiming that they damage their reliance on or sympathy for him. In the whole argumentation no mention is made of the principle of *ahimsā*. Probably, the authors of the *BGUVVNS* considered the argument of *ahimsā* in this context as not efficacious. The argumentative application of this principle could have forced them to explain why other forms of harsh punitive measures would not in the same way contradict the principle of *ahimsā* – a possible objection near at hand, which they most likely did not dare to evoke.<sup>67</sup>

Another issue in the chapter on royal affairs that deserves to be treated in more detail is that of warfare. In section K. the *BGUVVNS* deals with the king's strategies in case of war. Whereas the Tibetan text does not state clearly that the situation is limited to a pure defensive war, Bodhiruci introduces the section with the statement that a hostile army would attack the king (*T* 337c2ff.). I have argued above that the Chinese translation by Bodhiruci has most probably incorporated commentatorial elements and is thus to be depicted as the less authentic transmission in terms of the Indian background. This explicit limitation of the king's strategies to a war of pure defence by the Chinese translation should thus be taken

<sup>67</sup> Also in the passage of the *ŚP* Satyavat does not argue with the principle of *ahimsā* when opposing capital punishment (see n. 63)!

with caution. Of course, there are no passages at all suggesting that the Tibetan version recommends the invasion of a foreign territory. But, on the other hand, there is equally no explicit rejection of such a possibility,<sup>68</sup> which, after all, appears to have been regular in India during most of its history. In the *arthaśāstra* literature, one of the main duties of a king is the protection of the subjects from outside aggression. Further, in many passages the king is directly urged to take possession of other countries (by means of warfare).<sup>69</sup>

The *BGUVVNS*, now, deals with the question how to confront a hostile army and suggests three successive steps. In the first step the king should try to avoid a battle with the help of three stratagems (*upāya*), i.e., by encountering the enemy with kindness (*mdza' ba*), by granting favours (*phan gdags*; \**anugraha*), and by surrounding and frightening the enemy with the assumed superiority of his own army. This set of stratagems is, at least in part and under different terminology, an element of the *arthaśāstra* and appears at length at, e.g., *AS* IX.6. There the stratagems are not only employed against aggressors but also in different situations against the king's antagonists as well as in the life of ordinary people. The set comprises four (and sometimes even more) *upāyas*, viz., friendliness (*sāntva*), gifts (*dāna*),

<sup>68</sup> The question if the Tibetan can be understood to be restricted to a defensive war depends also on the interpretation of the passage at the beginning and the end of the section on warfare (cp. the last sentence in the final Tibetan quotation below): ... *rgyal pos (' )thab mo'i g.yul zhig nye bar gnas na ji ltar nan tan du bya /* (*S* 40b4; *Q* 67a3-4). If we assume, in line with *Ch*<sub>2</sub>, that the king has to deal with a war of defence, we should understand (*' )thab mo'i g.yul zhig nye bar gnas na* as “when an [attacking hostile] army is kept ready [for a] battle” or “when [the righteous king is] providing an army [for a] battle [to defend his own territory]”. This is, in any case, a possible translation, though not the only one. I think also the opposite interpretation, namely that the righteous king attacks the “enemy” can philologically not be ruled out: “when a [hostile] army is kept ready [for a] battle [to defend its own territory]” or “when [the righteous king is] providing an army [for a] battle [to extend his territory]”. It is not difficult to imagine how such an act of aggression could be justified, if we just recall to mind the sūtra's statements above that, in case of a *cakravartin*, the other rulers are obliged to follow the righteous way. Also the argument that the application of the three *upāyas* (see below) before engaging in the battle could somehow constitute a defensive element, is not adequate. Though they definitely are intended to avoid a major military conflict (which for every ruler would from the outset mean an immense economic burden), their use is not only restricted to situations of defence, so to say their nature is neutral in terms of aggressively expansionist or peace securing policies. Their descriptions in the *arthaśāstra* literature document that they can be duly applied as a simple tool in offensive undertakings governed by the principle that the end justifies the means.

<sup>69</sup> Cp. *Manu* 7.101, 106ff., 170f., 181ff.; 9.251; *Yājñ* 1.342, 1.348; *AS* IX. Basham (1959: 122f.) states that warfare “afflicted the Indian sub-continent during most of its history ...” and characterises Aśoka as “possibly the only ancient Indian king who finally broke with the tradition of aggression ...”

sowing discord (*bheda*), and military action (*daṇḍa*), which should be applied in this order.<sup>70</sup> It is not surprising that in the *BGUVVNS* the sowing of dissent (*bheda*) does not appear. Though its employment could serve to avoid a larger military conflict, it comprises acts obviously contradicting the Buddhist ethics such as inciting jealousies, hatred, quarrels and murder among one's antagonists by means of bribes and lies.

The third of the stratagems suggested by the sūtra, i.e., the demonstration of military superiority is also attested in the *arthaśāstras*, though not among the four *upāyas*: In the set of seven *upāyas*, which is enlarged by the members *māyā*, *upekṣā* and *indrajāla*, the last element *indrajāla* consists in “creating the illusion before the eyes of the enemy that a vast army is coming to attack them ...” (Kane III.172). I am not sure if the authors of the *BGUVVNS* wanted the third *upāya* to be understood in this way, but we could assume that the concept of *indrajāla* was not unknown to them. The last *upāya* in the classical set of four, i.e., the employment of military force, is taken up in the *BGUVVNS* as the third step. As the second step, to which the king should proceed if the means mentioned before remain unsuccessful, an element is introduced which is not found among the classical set of four (or seven) *upāyas*. In this second step the king should cultivate the following three thoughts:<sup>71</sup>

*bdag chos dang ldan pa'i rgyal po yin na / bdag gis skye dgu rnams phung bar byas par mi  
'gyur grang / phung bar 'gyur ba las ma bzlog pa lta'ang med dam zhes / dang por skye dgu  
yongs su bskyang ba la sems nye bar gzhas par bgyi'o // gnyis pa ni phas kyi dgra las rgyal bar  
bgyi ba'i sems so // gsum pa ni srog<sup>1</sup> gzung<sup>2</sup> ba'i sems te / sems gsum po 'di dag nye bar bzhas  
la / dpung gi tshogs yan lag bzhi pa la bka' stsal par bgyi ste / (S 41a2-a4; Q 67a8-68b2)*

<sup>1</sup> Q: sog; <sup>2</sup> S: bzung.

“As I am a king loyal to the *dharma*, it should not happen that I bring [my] subjects into misery; [but] isn't there also danger that [I] would not have kept [them] away from falling into misery?”<sup>72</sup> First [the king] should bring forth [these] thoughts regarding the protection of [his]

<sup>70</sup> The same set appears several times with *sāman* instead of *sāntva*. Cp. Kane III.171ff.; for the *AS* cp. *AS<sub>TM</sub>* Sachregister s.v. *Mittel*, die 4, bzw. 7 *politischen*. In *ŚP* 69.22-23 the king is advised to make use of the (first) three *upāyas*, viz., *sāntva*, *anupradāna* and *bheda*, and to avoid a battle.

<sup>71</sup> *Ch<sub>2</sub>*: 一者思惟。此返<sup>1</sup>逆王<sup>2</sup>無慈悲心，自殺衆生，餘人殺者，亦不遮護。我今不令如此相殺。此是初心護諸衆生。二者思惟。當以方便降伏逆王<sup>2</sup>士、馬、兵、衆，不與鬪戰。三者思惟。當以方便活繫，縛取，不作殺害。生此三種慈悲心已，然後莊嚴四種兵衆分布士、馬，唱說號令。

(T 337c22-28; Ji 879a22-b6)

<sup>1</sup> Var. given in T: 反; <sup>2</sup> Var. given in T: 主.

The Bukkyō Dendō Kyōkai “translation” of the passage into German cited by Schmidt-Leukel (p. 14, n. 38) is supposedly based on this Chinese text. Given the fact that it contains several misleading interpolations not found in the actual Chinese text, it should better be labeled a free rendering with additional interpretative elements.

<sup>72</sup> I am not sure if my translation is the only possible understanding. The thoughts could point out questions of conscience of the king: he does not want to cause serious problems for his subjects by

subjects. Secondly [he should bring forth the thought that he] will conquer the hostile army (*pratyanika*). Thirdly, [he should bring forth the thought that he] will take hold [of the enemy's] lives.<sup>73</sup> [The king] should bring forth these three thoughts and then address [his] army (*balakāya*) consisting of four parts.”

This second step already introduces the following third step, the arrangement for and the command of the army in the battle. The king appears to have done what he could to solve the conflict with peaceful and moral means. With these thoughts, then, he seems to reconfirm his own integrity as a righteous king, to strengthen his will to defeat the enemy,<sup>74</sup> and, most surprising, to decide to spare the life of the hostile soldiers. For this last point there seem to be no parallels in the *arthaśāstra* literature. Kane (III.209f.) gives a comprehensive enumeration of rules on how the life of an enemy in war should be spared, among them some of which, according to Kane, “will bear comparison with the conventions of the Geneva and Hague Conferences”, but I am not aware of any Indian text describing strategies of taking prisoners. There can hardly be any doubt that the main effort of the warrior must have been directed towards the annihilation of the enemy.<sup>75</sup> Kane also cites a passage of the

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deciding for warfare, but, on the other hand, he also sees the danger that they could all be put into misery when not protected by his army. For the auxiliary verb *grang* with the main function to express a certain necessity for Skt. *arhati*, the optative or the future cp. M. Hahn, “On Some Rare Particles, Words and Auxiliaries in Classical Tibetan”, in *Tibetan Studies, Proceedings of the 6th Seminar of the International Association for Tibetan Studies, Fagernes 1992*, Vol. 1, ed. Per Kvaerne, Oslo: The Institute for Comparative Research in Human Culture, 1994, 288-294, pp. 291f. The construction with the particle *lta* in the second thought could represent a Skt. wording with *mā* (*haiva*). Cp. e.g. *Śrāvakabhūmi* 413.12-14 (*Śrāvakabhūmi of Ācārya Asaṅga*, ed. K. Shukla, Tibetan Sanskrit Works Series Vol. 14, Patna: K.P. Jayaswal Research Institute, 1973), where *mā me ... asti kaścic chikṣāvyatikramah* / (so the ms) is translated as *bdag gis ... bslab pa las 'gal bar gyur pa lta med grang* in the Tibetan (*Q* 5537, vol. 110, *mDo 'grel (Sems tsam)*, *Wi* 183a8-183b1). For *mā* (*haiva*) meaning “I hope ... not ...?” and “Isn't there danger that ...?” cp. F. Edgerton, *Buddhist Hybrid Sanskrit Grammar and Dictionary*, Vol. I: Grammar, §42.13-14. The particle *lta* with examples in literature is discussed in Hahn, op. cit., pp. 289-291.

<sup>73</sup> The expression *srog gzung ba* could also be interpreted as “to kill”, though being a rather uncommon formulation. The Chinese, however, leaves no room for doubt that the meaning must be “to take hold ...” or “to catch [the hostile soldiers] alive”, corresponding to Skt. *jīvagrāham*: 當以方便活繫，縛取，不作殺害。: “[I] shall with [adequate] means bind and catch [the hostile soldiers] alive, not [shall I] kill or wound [them]!” Cp. Skt. *jīvagrāham*: “ind. with *√grah* ... to capture alive” (Monier-Williams, Monier, *A Sanskrit-English Dictionary*, Oxford, 1899, Reprint Oxford: Oxford University Press, 1951, s.v. *jīvagrāham*<sup>2</sup>) and Pāli *jivagāha*: “(adv.) taken alive, in phrase j.<sup>o</sup> *gaṇhāti* or *gaṇhāpeti* ... [several references]” (*The Pali Text Society's Pali-English Dictionary*, eds. T.W. Rhys Davids and William Stede, London 1921-1925. Reprint London: PTS, 1972, s.v. *jīva-gāha*).

<sup>74</sup> The Chinese reads that the enemy should be overpowered **without** fighting with the army (... 士、馬、兵、衆，不與鬪戰。). This is very unlikely to happen, as already before all stratagems to avoid a military confrontation have been applied without success.

<sup>75</sup> The exhortation could at most be understood in the sense of not killing **unnecessarily**, e.g., in case a hostile soldier becomes unable to fight or surrenders. This would amount to no more than a

*Gautamadharmasūtra* where the soldier who has killed or wounded an enemy is promised to remain without sin (*doṣa*) (III.209). It is thus highly unlikely that this third resolution of the king could have been put in practice as such. When the enemy could not be convinced to desist from his belligerent intentions by any of the *upāyas* mentioned above, how could one make prisoners without engaging in a full-scale battle? The intention to do so is, as a matter of fact, a noble one but I rather doubt that it could have a large effect in the actual battle. Probably this third thought is nothing more than an antidote against any qualms about violating one of the basic Buddhist precepts. No other thoughts of regret or of compassion are explicitly mentioned, such as those formulated in relation to the infliction of violent forms of punishment other than death penalty and mutilation. One could surmise that the pair “killing with compassion” was conceived of as incompatible with the basic Buddhist ethics. The authors of the *BGUVVNS* appear to have chosen instead a solution which was more in keeping with the precepts but less realistic in actual combat.

Finally, examples for how the king or one of his close counsellors should address and thereby encourage the army before the battle, as mentioned in the citation, can be found at *AS<sub>JM</sub>* 570f. In the following third step the king optimises the power of his army by arranging its different units and urges his soldiers by various means not to give ground. The paragraph with which section K. ends discusses the question of the karmic results for the king who has engaged in warfare. It makes clear that for the king the order to slaughter and wound hostile soldiers remains without any negative consequences. It therefore deserves to be cited in its whole:<sup>76</sup>

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call to respect the normative prescriptions of the “laws of battle” contained in the *dharmaśāstra* texts for the instances in which the hostile warrior is traditionally considered to be *avadhya*. In his analyses of *Manu* 7.94-95, dealing with the warrior slain in battle when he turns back in fear, Wezler concludes that these verses may in fact “refer to the real world, to what does really happen in many cases to a warrior «who turns back in fear», viz. that he is killed ...” (1987/88: 395). The exhortation in our *sūtra* could be understood as an attempt to make the king and his soldiers aware of these laws before the battle. As a second interpretation of this thought to spare the lives of the enemy one could also imagine the employment of special weapons or special fighting techniques aimed at knocking the enemy out only temporarily or wounding him so that his participation in the battle is no more possible. As stated above, I have not yet found any scriptural evidence to support this interpretation. The question definitely deserves further attention.

<sup>76</sup> *Ch<sub>2</sub>*: 爾時雖復殺害衆生，而彼王得輕微、少罪、非決定受，懺悔，能滅。何以故。彼法行王，爲欲入戰，先生三種慈悲心故，雖作此惡，得罪輕微、非決定受。大王，當知彼法行王爲令衆生，爲護沙門，護沙門法，爲護妻子、族姓、知識，能捨自身及資生物，作如是業。因此事故，彼法行王得無量福。大王，當知若爲護國，養活人民興兵鬪戰，彼時國王應當先發如上三心，勅令主將一依王教，如是鬪<sup>1</sup>者，有福無罪。(T 338a8-a17; Ji 879b17-c5); <sup>1</sup> Var. given in T: 戰。

de ltar thabs mkhas shing g.yul legs par shom pa'i rgyal pos ni / pha rol gyi dpung bkum<sup>1</sup> 'am /  
 rma phyung<sup>2</sup> yang des rgyal po la kha na ma tho ba chung zhing / bsod nams ma lags pa chung  
 ba dang 'bras bu myong ba yang<sup>3</sup> ma mchis par 'gyur ro // de ci'i slad du zhe na / 'di ltar des  
 snying rje ba dang / yongs su mi gtang ba'i sems kyis las de mngon par 'du bgyis pa'i slad  
 du'o // gang des sbye dgu yongs su bskyang ba dang / bu dang / chung ma dang / rigs kyi don  
 du bdag dang longs spyod yongs su btang ste / las de bgyis pas gzhi de las bsod nams tshad ma  
 mchis pa yang rab tu 'phel lo // rgyal po chen po 'thab<sup>4</sup> mo'i g.yul zhig nye bar gnas na / chos  
 dang ldan pa'i rgyal pos de ltar nan tan du<sup>5</sup> bgyi'o // (S 41b1-b5; Q 67b6-68a1)

<sup>1</sup> S: om. bkum; <sup>2</sup> Q: byung; <sup>3</sup> S: yang nges pa ma; <sup>4</sup> Q: thab; <sup>5</sup> Q: om. du.

"Even if a king, [who] is skilled [in the application of appropriate] means and [who] has correctly prepared for the battle in the way [described above], slaughters or wounds the hostile army, there will be not [even the] slight[est] blame (*avadya*) and not [even the] slight[est] demerit (*apunya*) nor the experiencing of [karmic] consequences (*phala*) for [that] king. Why is that? [It is] because he has thus performed (*abhisamkaroti*) the tasks with a mind [full of] compassion and without giving up (*aparityāga*). [A king] who protects [his] subjects and renounces his [life] and [his] material wealth for [his] children, wives and clan: by doing that, even immeasurable merit will therefore (*\*tannidānāt*) grow [for him]. Great King, when providing an army [for a] battle/when a [hostile] army is kept ready [for a] battle, a king loyal to the *dharma* should make efforts in the way [described above]."

Let me first point out that also in this last paragraph there is no mentioning that the king is dealing with a war of defence. At least in theory, the section, as it is found in the Tibetan, could also be taken to sanction a war of aggression, if the king would only follow the basic rules laid down above. The king remains free from any kind of spiritual pollution because he has compassion and does not give up. The appearance of compassion surprises, for, as mentioned above, it is not part of the preceding paragraphs in section K. The Chinese identifies this compassion with the three thoughts (三種慈悲心) translated above, including the intention to capture the hostile army alive. At least from the viewpoint of the Tibetan, such an association seems not very convincing: The only compassionate element among the three thoughts is that the king should try to keep the enemy alive, whereas the main emphasis seems to lie on strengthening the king's self-confidence in the battle. I therefore cannot but infer that the mentioning of compassion in the last paragraph is little more than a sporadic addition, without being of substantial relevance in the foregoing descriptions. As a second element besides compassion we find the reference to *aparityāga* which here should probably be understood as relating to the battle itself, in the sense of not deserting the fight.<sup>77</sup> With *aparityāga* we see a basic element of *kṣatriyan* ethics. To flee from the battlefield is considered a severe violation. *Manu* and *Yājñ* state that a warrior who turns back from the

<sup>77</sup> The technical term for the one who takes to flight in the battle, however, seems to be *parāvṛtta* (cp. Wezler 1987/88: 384f.).

battle and is killed would loose all his merit.<sup>78</sup> The *BGUVVNS*, too, seems, at least in this respect, to follow clearly this particular strand of warrior ethics.

At the end of the cited passage the king is said to be rewarded with immeasurable merit. His selfless dedication to the protection of his subjects obviously suffices to remain free from any kind of flawing consequences for his merit. No further discussion follows concerning the obvious contradiction between his obligation to protect living beings, on the one hand, and his warfare activities eventually leading to suffering and death of other living beings, on the other.

This brief review of the criticism against the *arthaśāstras* in the *BGUVVNS* has helped us see the basic standpoint of the sūtra concerning punishment and war. One of the issues of this criticism was the fact that the *arthaśāstras* would lead to harm. If this is construed as fundamentally opposed to the sūtra's own way of handling the two themes in question, we cannot but call the criticism a propagandistic move. Also the forms of punishment suggested in the *BGUVVNS* and the fact that king (and warriors) are finally expected to engage in warfare actually do entail harm and suffering of living beings. The main differences, as shown above, are the underlying attitude of compassion, with which punishment should be inflicted, and the exclusion of death penalty as well as all forms of mutilation. Compassion is certainly not an element to be sought for in the *arthaśāstra* literature. On the contrary, any form of commiseration can lead to the loss of advantages, as it is plainly stated at *AS* 9.4.142 (*AS<sub>JM</sub>* 541.5) in the case of mercifulness (*sānukrośatā*). Compassion joins hand with the reformatory function of punishment in the *BGUVVNS*, a tenet that can hardly be imagined to have been of great importance in the *arthaśāstras*. Brahminic rehabilitation of the transgressor by means of *prāyaścitta* can, as Wezler points out, also include the capital punishment inflicted on him.<sup>79</sup> Highest priority seems thereby to lie on the complete

<sup>78</sup> According to Kane III.211; *ŚP* 23.15 states that a king who does not struggle with an enemy is swallowed by the earth. On the problem of the warrior taking to flight from the battle cp. Wezler 1987/88.

<sup>79</sup> "Der vorzeitige Verlust des Lebens – im Rahmen der *prāyaścitta*-Praxis freiwillig, als vom König verhängt und in der Regel von einem *caṇḍāla* vollzogene, zu erleidende Strafe im Rahmen des Strafrechts – als äußerste denkbare Steigerung der Schmerzzufügung, so scheinen die Inder gedacht zu haben, eliminiert eben darum endgültig und vollständig die Folgen von als besonders verwerflich angesehenen (Un-) Taten. Nicht die 'Todeswürdigkeit' eines Verbrechens / einer Sünde steht für den Inder im Vordergrund, sondern der Gedanke, daß es/sie nur durch den Verlust des Lebens – das allen Lebewesen lieb ist, auch wenn es ganz und gar nicht einmalig ist – in seinen Folgen für den Täter 'wieder gutgemacht' werden kann." (Wezler 1995: 134f.)

elimination of the negative *karman*, so that in his coming births the culprit would not be hindered anymore by it. I cannot deal here with the question of how ethical the belief in death penalty as a form of elimination of the negative karmic substance can be said to be. Wezler cautiously speaks of a mixture of ethical and non-/pre-ethical elements respectively inherent to, on the one hand, the general notion of *dharmā* and, on the other hand, the substantialism on which the concept of *karman* is based and which perpetuated the *in toto* non-ethical magic techniques of removal.<sup>80</sup> In any case, the idea of expiation through inflicting irreversible corporal damage or death could not convince the authors of the *BGUVVNS*. The reason may have been the fact that they did not believe in the possibility of a more or less automatic, or even magic, purification by the infliction of punishment, which they might have felt to be non-ethical, or a stronger emphasis on the life in the world here.

For Lingat (p. 39), the brahminic-orthodox belief in the necessity of chastisement runs counter to the spirit of the politics of King Aśoka, who presumably believed in the perfectibility of the human nature.<sup>81</sup> Our sūtra seems to breathe the same air. In case of punitive measures it appears that the demand to abolish execution and mutilation is a concrete reflection of this attitude. Practicability may thereby have been a decisive factor: Other frightening measures could remain in use; the efficacy of the punitive system as a whole would still be secured while the abolishment of the two forms of penalty could pay tribute to some of the fundamental precepts of the Buddhist ethics.

In case of warfare the situation looks quite different. Leaving aside the more or less inert appeal for a battle without killing, on the whole, the politics follows a *kṣatriyan* code of ethics. The traditional obligation of a king to guarantee the protection of his subjects from external aggressors and – in the case of the Tibetan *BGUVVNS*, not clear – to conquer new territories, did apparently not leave any space for less violent strategies. From the very outset it would be impossible to survive on a subcontinent where for the most time many small kingdoms co-existed in competition with each other. A weakness of the potential enemy – and an army known to refrain from killing would certainly give reason to be perceived as

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<sup>80</sup> Cp. Wezler 1995: 137.

<sup>81</sup> The view that Aśoka did not only abolish the death penalty but also “instituted a system of after-prison care” is held by Norman on the basis of his interpretation of the fourth Pillar Edict (K.R. Norman, “Aśoka and Capital Punishment”, in *Collected Papers*, vol. 1, Oxford: Pali Text Society, 1990, 200-213 (= *JRAS* 1975, 16-24)). Though suggesting that Aśoka believed in the perfectibility of the human nature, Lingat does not follow Norman’s analysis and states that Aśoka never abolished the death penalty (pp. 40f.).

such – would sooner or later invite the neighbours of the kingdom to take control of it. No king with such a strategy would have been found competent to offer his subjects effective protection.<sup>82</sup> Whereas in case of punishment a more moderate approach could clearly be advocated (though still far from being in complete harmony with Buddhist ethics), a mild approach towards warfare would have been unrealistic. Knowing this, the authors of the sūtra did not hesitate to assure right after the concerned paragraph that the king would attain immeasurable merit. The “équilibre des pouvoirs”, as Bareau (p. 39) calls the basic relation between the “pouvoir spirituel” of the historical Buddha and the “pouvoir matériel” of his contemporary sovereigns, seems in the case of war, still clearly perceptible. The non-intervention of the historical Buddha to dissuade the ruler from abstaining from war, as transmitted to us in the Pāli sources, could in fact, as Bareau points out (p. 38), have its reason in an anticipation of the futility of such efforts and could further be interpreted as an unwelcome intervention into royal affairs. For the authors of the Mahāyānist *BGUVVNS* the latter aspect does not seem to have been of any relevance, since it is exactly this what they were aiming at with their sixth chapter. It is more likely that they realised that any attempt to go further would have ended up in total futility.

Now, what would be the position of the *BGUVVNS* within the two poles of “Buddhist fundamentalism” and “harmonisation of Buddhist ethics with politics”? Candrakīrti in his commentary on the fourth chapter of the *Catuhśataka* deals extensively with the conflict between Buddhist ethics and the political duties of a righteous king. Based on Lang’s presentation of his analysis, there are two main issues, which I find important enough to point out. Firstly, it is the king’s lack of affection (*brtse ba*), which in several passages is heavily criticised. For Candrakīrti the king is without affection because he punishes criminals (*D* 79b; Lang 237), and he can never go to heaven when killed on the battlefield because there he “rushes around with rage and without affection, raising the weapon directed to the enemy’s head in order to kill without any affection towards the other men” (*D* 84b1). Candrakīrti does not further deal with the possibility of combating and “killing with compassion” as it is occasionally found in other writings of Indian Mahāyāna Buddhism.<sup>83</sup>

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<sup>82</sup> Even King Aśoka continued to maintain his army after the establishment of his reign (cp. Lingat 41). Schmithausen mentions the legend of the Sakyas who only offered symbolic resistance when attacked by the enemy’s army and were slaughtered (1999: 49; cp. *Dhammapadaṭṭhakathā* (PTS ed.) I.358).

This leads to the second point: For Candrakīrti there seems to be no way to combine Buddhist ethics with the traditional responsibilities of a king. He states that the king will have to experience the result of his bad deeds, i.e., the harassment of living beings in association with his political role, in the same way a butcher will have to endure the results of the slaughtering of animals (*D* 88a-b).

This fundamental approach, which grants only minimal or no readiness at all to compromise the principle of *ahiṃsā* is, as a matter of fact, no isolated occurrence. Lingat (p. 15) observes in relation to Pāli Buddhism that one strand of texts stresses the incompatibility of the handling of power with the Buddhist path. Characteristic for the same kind of thought is a verse in the *Buddhacarita* (9.48-50) where the pairs *mokṣadharma/śama* and *rājadharmadanda* are contrasted, and the ruler, in order to attain *śama*, remains without any other choice than finally giving up his kingdom. This situation must have been felt as unsatisfactory and it is thus only natural that, again according to Lingat (p.15), in Pāli Buddhism there exists another strand of texts which deals with the kingdom as a helpful organisation for both king and subjects. This second strand, a model of “harmonisation between ethics and politics”, emphasises the benefiting role of the king for his subjects and does not charge him with any offences.

The *BGUVVNS* clearly represents such a “harmonising” approach. The king’s merit can even become immeasurable by punishing and fighting with the right intention. No contradiction is found there between *rājadharmadanda* and *mokṣadharma*. We are not led to argue that the sūtra suggests a “compartmentalisation of values”, as Schmithausen terms the adoption of diverse ethical standards based on the membership in a certain group or according to the respective professional function one has to fulfil, as in case of the general *Sīha* who – as a Buddhist follower – refuses to kill animals but is not in conflict with his warfare activities as a general.<sup>84</sup> It seems as if for the authors of the *BGUVVNS* the renunciation of capital punishment and mutilation together with the cultivation of a compassionate mind were deemed sufficient to view a king as acting in line with Buddhist ethics. This moderate approach might result from a tendency to give priority to practicability rather than moral absolutism. In other words, the authors might have considered it worth

<sup>83</sup> Cp. Schmithausen 1999: 59; Demiéville 379ff. The concepts of killing with compassion and war motivated by compassion was (mis-)used in this century among some Japanese Buddhist sects to justify Japan’s expansionist war in Asia. In detail cp. Victoria 86ff.

<sup>84</sup> Cp. Schmithausen 1999: 53.

compromising the key issue of *ahimsā* in order to spare wrong-doers from their fate, viz., the facing of death penalty or mutilation. On the other hand, the downside of this compromising attitude was the undermining of the norm not to kill, and, *nolens volens*, allowing traditional elements of Kṣatriyan war ethics to creep into Buddhist morality, which previously had paid almost no attention to this field.

After all, we should keep in mind that the *ekayāna* doctrine, to which the *BGUVVNS* belongs, could well provide the philosophical grounding for a political leadership facing and affirming a multireligious society.<sup>85</sup> If we assume that our sūtra was intended to have some kind of influence on the political settings of that time, it would be just natural to find it framing a doctrine dominated by practicability, which, in addition, a Buddhist ruler could use without having to fear that his royal duties would run against Buddhist ethics. It is impossible to ascertain how much interest, if any, our sūtra stimulated amongst Indian rulers and how much it really contributed to the increase of humanitarian ideals, which Basham claims to be “probably encouraged by Buddhism ... in moderating the fierce punishment of earlier days” (1959: 119). In light of India’s long martial tradition, the sūtra itself seems to be well aware of the difficult task of convincing Indian sovereigns of more humanitarian ideas. It is perhaps not without ironic realism that in the sūtra king Caṇḍapadyota is not depicted as an ideal student: He threatens twice with execution for minor “transgressions”: first, Satyaka, because he accuses the king of being “too passionate” (cp. n. 15) and, later, those who would not join the assembly in front of the Buddha. These episodes might only too well illustrate the inefficiency of moderate humanitarian ideals, let alone moral rigorism, in the lives and the *Realpolitik* of the Indian rulers.

## Abbreviations

- AN*     *Aṅguttaranikāya*, ed. R. Morris and E. Hardy, 5 vols. London: PTS, 1885-1900.  
*AS*     *The Kauṭilya Arthaśāstra, Part I, A Critical Edition with a Glossary*, ed. R.P. Kangle. Bombay: University of Bombay, 1960.  
*AS<sub>M</sub>*    *The Arthaśāstra* of Kauṭilya: Translation by Johann Jakob Meyer, *Das Altindische Buch vom Welt- und Staatsleben, Das Arthaśāstra des Kauṭilya*. Leipzig: Harrassowitz, 1926.  
*BGUVVNS* \**Bodhisattva-gocāropāya-viśaya-vikurvaṇa-nirdeśa-sūtra* in three translations:  
*Ch<sub>1</sub>*: Chinese translation of the *BGUVVNS* by Guṇabhadra (394-468 CE): *Fo shuo pusa xing fangbian jingjie shentong bianhua jing* 佛說菩薩行方便境界神通變化經: T 271, vol. 9, 300b-316b.

<sup>85</sup> It is not surprising that the *Saddharmapuṇḍarikasūtra*, as the principal exponent of the *ekayāna* doctrine, was among the three sūtras of foremost importance for Prince Shōtoku (574-622) who is associated with the implementation of Buddhism in Japan. The *ekayāna* doctrine enabled him to integrate very different religious and philosophical thoughts of that time.

- Ch<sub>2</sub>**: Chinese translation of the *BGUVVNS* by Bodhiruci (572-727(sic!) CE): *Da sazhe'niganzi suo shuo jing* 大薩遮尼乾子所說經: *T* 272, vol. 9, 317a-365c. For all citations of *T* 272 the Jin Edition 金藏廣勝寺本, No. 172 (cp. *Ji*) has been checked; I have mentioned only significant variants (including the apparatus in the *Zhonghua Dazangjing* itself).
- Tib**: Tibetan translation of the *BGUVVNS* by Prajñāvarma(n), Ye she sde, and others (ca 800 CE): *'Phags pa byang chub sems dpa'i spyod yul gyi thabs kyi yul la rnam par 'phrul ba bstan pa shes bya ba theg pa chen po'i mdo*: *Q* 813, vol. 32, *mDo sna tshogs*, Nu 37a8-101b8; *S* 246, vol. 77, *mDo sde*, La 1b1-83b3.
- Ch<sub>1</sub>** Cp. *BGUVVNS* above.
- Ch<sub>2</sub>** Cp. *BGUVVNS* above.
- D** The *Yuktiṣaṣṭikāvṛtti* by Candrakīrti in the *Sde dge Tibetan Tripiṭaka Bstan hgyur*, preserved at the Faculty of Letters, University of Tokyo, dBu ma 8, no. 205, ed. Tōkyō Daigaku Bungakubu Indotetsugaku Indobungaku Kenkyūshitsu 東京大学文学部印度哲学印度文学研究室, Tokyo: Sekai Seiten Kankō Kyōkai, 1978: No. 3864, Ya 1b1-30b6.
- DN** *Dighanikāya*, ed. T.W. Rhys Davids and J.E. Carpenter, 3 vols. London: PTS, 1890-1911.
- Ji** **Ch<sub>2</sub>** in the *Zhonghua Dazangjing* 中華大藏經: No. 172, vol. 17, 840b1-929a12 (*Zhonghua Dazangjing* (Chinese Tripiṭaka) 中華大藏經, ed. 'Zhonghua Dazangjing' Bianjiju 《中華大藏經》編輯局, vol. 1-. Peking: Zhonghua Shuju, 1984-).
- MN** *Majjhimanikāya*, eds. V. Trenckner and R. Chalmers, 3 vols. London: PTS, 1888-1899.
- Manu** *Manav Dharma Shastra or The Institutes of Manu, Code of Hindu Laws, Vol. I: Sanskrit Text*, ed. Graves Chamney Haughton, Reprint of the 1825 publication. New Delhi: Cosmo Publications, 1982.
- Q** *The Tibetan Tripiṭaka, Peking Edition*, ed. Daisetz T. Suzuki, vol. 1-168. Repr. under the Supervision of the Otani University, Kyoto. Kyoto, Tokyo: Tibetan Tripiṭaka Research Institute, 1955-1961.
- S** Reprint of the Stog Palace Ms Kanjur: *The Tog Palace Manuscript of the Tibetan Kanjur*, ed. Ta-rugser-mgar-pa Tshen-bstan rNam-rgyal, 109 vols. Shesrig Dpemzod. Leh: C. Namgyal Tarusergar, 1975-1980.
- SN** *Saṃyuttanikāya*, ed. Leon Feer, 6 vols. London: PTS, 1884-1904.
- ŚP** The *Śāntiparvan* book in the *Mahābhārata* (The Poona Critical Edition).
- T** *The Taisho Shinshu Daizokyo (The Tripiṭaka in Chinese)*, eds. J. Takakusu and K. Watanabe, 100 vols. Tokyo: The Taisho Shinshu Daizokyo Kankō Kai, 1924-1929.
- Tib** Cp. *BGUVVNS* above.
- Yājñ** *Yājñavalkya-smṛti of Yogiśvara Yājñavalkya, With the commentary Mitākṣarā of Vijñāneśvara, Notes, Variant readings, etc.*, ed. Narayan Ram Acharya. Bombay: Nimayasagara Press, 1949.

## References

- Bareau, André  
1993 "Le Bouddha et les rois." *Bulletin de l'École Française d'Extrême-Orient* 80.1, 15-39.
- Basham, A.L.  
1959 *The Wonder that was India*. New York: Grove Press.  
1964 "Ancient Indian Kingship". *Indica* 1.2, 119-127.
- Demiéville, Paul  
1973 "Le Bouddhisme et la Guerre." In *Choix d'Études Bouddhiques*, ed. P. Demiéville. Leiden: Brill, 261-299 (Repr. of *Mélanges publiés par l'Institut des Hautes Études Chinoises I*, 1957, 347-385).
- Kane, Pandurang Vaman  
1968f. *History of Dharmaśāstra*, Vols. I-V. Poona: Bhandarkar Oriental Research Institute.
- Lang, Karen C.  
1992 "Āryadeva and Candrakīrti on the *Dharma* of Kings." *Asiatische Studien* 46.1. Sondernummer zu Ehren Jaques May, 232-243.
- Lingat, Robert  
1989 *Royaumes Bouddhiques, Aśoka et la Fonction Royale à Ceylan*. Paris: Éditions de l'École des Hautes Études en Sciences Sociales.
- Schmidt-Leukel, Perry  
1991 "Das Problem von Gewalt und Krieg in der Buddhistischen Ethik". *Rundbriefe "Buddhismus heute"* 5, November, 1-17.

Schmithausen, Lambert

- 1996 "Buddhismus und Glaubenskriege." In *Glaubenskriege in Vergangenheit und Gegenwart*, ed. P. Herrmann. Göttingen: Vandenhoeck & Ruprecht, 63-92.
- 1999 "Aspects of the Buddhist Attitude towards War". In *Violence Denied*, eds. Jan E.M. Houben & Karel R. Van Kooij. Leiden, Boston, Köln: Brill, 45-67.

Tähtinen, Unto

- 1982 *Non-Violent Theories of Punishment, Indian and Western*. Helsinki: Suomalainen Tiedekatemia.

Victoria, Brian

- 1997 *Zen at War*. New York, Tokyo: Weatherhill.

Wezler, Albrecht

- 1987/88 "The Warrior Taking to Flight in Fear, Some Remarks on Manu 7.94 and 95 (Beiträge zur Kenntnis der indischen Kultur- und Religionsgeschichte III)". *Indologica Taurinensia* 14, 391-432.
- 1995 "Der Tod als Mittel der Entsühnung". In *Im Tod gewinnt der Mensch sein Selbst, Das Phänomen des Todes in asiatischer und abendländischer Religionstradition*, ed. Gerhard Oberhammer. Beiträge zur Kultur- und Geistesgeschichte Asiens Nr. 14, Philosophisch-Historische Klasse, Sitzungsberichte, 624. Band. Wien: Österreichische Akademie der Wissenschaften, 97-140.